

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

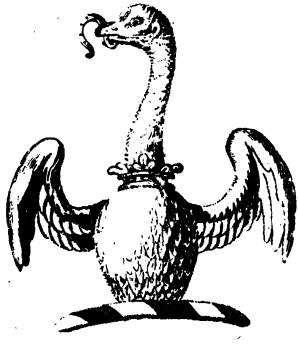
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

3 3433 06665284 7



John Wells Esq.r

EAM

RUETTER

Puetter

EAM

AN

HISTORICAL DEVELOPEMENT

OF THE PRESENT

POLITICAL CONSTITUTION

OF THE

GERMANIC EMPIRE.

VOLUME III.

AN

HISTORICAL DEVELOPEMENT

OF THE PRESENT

POLITICAL CONSTITUTION

OF THE

GERMANIC EMPIRE.

By JOHN STEPHEN PÜTTER,

PRIVY COUNSELLOR OF JUSTICE, ORDINARY PROFESSOR OF LAWS IN THE UNIVERSITY OF GOTTINGEN, MEMBER OF THE ACADEMY OF SCIENCES AT BERLIN, &c.

TRANSLATED FROM THE GERMAN,

With NOTES, and a comparative View of the REVENUES, POPULATION, FORCES, &c. of the reſpective TERRITORIES, from the Statiſtical Tables lately publiſhed at BERLIN,

By JOSIAH DORNFORD, of LINCOLN'S INN, LL.D.

OF THE UNIVERSITY OF GOTTINGEN, AND LATE OF TRINITY COLLEGE, OXFORD.

IN THREE VOLUMES.

VOLUME III.

LONDON:

Printed for T. PAYNE and SON, Mews Gate; L. DAVIS, Holborn; B. WHITE and SON, Fleet-ſtreet; G. NICOL, Pall-Mall; P. ELMSLY, Strand; and J. FLETCHER, at Oxford.

M,DCC,XC.

LIST OF SUBSCRIBERS.

His Royal Highneſs the PRINCE of WALES.
His Royal Highneſs the DUKE of YORK.
His Royal Highneſs Prince ERNEST AUGUSTUS.
His Royal Highneſs Prince AUGUSTUS FREDERICK.
His Royal Highneſs Prince ADOLPHUS FREDERICK.

A.

HIS Grace the Duke of St. Albans.
Right Hon. the Earl of Aldborough.
Right Hon. the Counteſs of Aldborough.
William Agar, Eſq. Lincoln's Inn.
Mr. Appach.

B.

His Grace the Duke of Beaufort.
M. Barthelemy, Portman-ſquare.
Dr. Bever, All Souls College, Oxford.
Rev. G. Beaver, B. D. Trent, Somerſet.

Robert Bathurſt, Eſq. Lainſton, Hants.
Thomas Boone, Eſq. Firſt Regiment of Guards.
Robert Byam, Eſq. Univerſity College, Oxford.

C.

Her Grace the Dutcheſs Dowager of Chandos.
Right Hon. Lord Viſcount Courtenay.
Right Hon. Lord De Clifford.
Sir Alexander Craufurd, Bart.
Lady Craufurd.
Rev. John Craufurd.
Alexander Craufurd, Eſq. Lincoln's Inn.
Daniel Craufurd, Eſq. Madraſs.
Dr. Crichton.
Thomas Chapman, Eſq.
John Cowley, Eſq.
John Calland, Eſq. Abingdon-ſtreet.
Rev. John Calland, Prebendary of Chicheſter.
Thomas Collins, Eſq. Berner's-ſtreet.
Charles Cox, Eſq. Harwich.
Richard Capper, Eſq. Buſhey, Herts.
Robert Capper, Eſq. Lincoln's Inn.
Rev. Thomas Clarke, Cheſham Bois, Bucks.
Rev. Samuel Cooper, Henley, Oxfordſhire.
Thomas Cook, Eſq. Gray's Inn.
——— Cadogan, Eſq.

D.

Right Hon. Earl of Darnley.
Sir John Dalling, Bart.
Rev. Dr. Davie, Trinity College, Oxford.
Rev. Dr. Dumareſque, Yeolvilton, Somerſet.
Rev. Charles Davie, Shirfield, Devon.
Joſeph Davie, Eſq.

John Clerk Docwra, Eſq. Bedford.
George Downing, Eſq. Lincoln's Inn.
Stephen Dinley, Eſq.
Joſeph Lawrence Darvall, Eſq.

E.

Hugh Elliot, Eſq. Envoy Ex. Min. Plen. &c. at Copenhagen.
George Embury, Eſq. Lincoln's Inn.
Samuel Eſtwick, Eſq. M. P.
Gilbert Eaſt, Eſq. Hall Place, Berks.
Mr. Edwards.

F.

Rev. Dr. Ford, Principal of Magdalen Hall, Oxford.
Rev. Dr. Flamank, Trinity College, Oxford.
Simon Fraſer, Eſq.
James Farquarſon, Eſq. Harley-ſtreet.
George Soley Foyle, Eſq. Southampton.

G.

His Serene Highneſs Prince Gallitzen.
Gottingen Library.
Sir Henry Goodrick, Bart.
Dr. Gillies, New Norfolk-ſtreet.
Rev. J. de Guiffardiere, Windſor.
John Guillemard, Eſq. St. John's College, Oxford.
Rev. Charles Gardner, Stoke Hammond, Bucks.
Andrew Gammel, Eſq. George-ſtreet, Adelphi.
William Gammel, Eſq. Temple.
Rev. —— Greatheed.—2 *Copies.*
Mrs. Gauſſen.
William Gill, Eſq. Alderman.

H.

Right Hon. the Earl of Harrington.
Right Rev. the Biſhop of Hereford.
Sir John Henniker, Bart.
Lady Henniker.
John Henniker, Eſq. F. R. S.
Captain Brydges Henniker.
Sir Benjamin Hammet, Kt. and Alderman.
John Hammet, Eſq.
Rev. —— Hayley, Brightling, Suſſex.
Rev. Thomas Hughes, Prebendary of Worceſter.
William Hales, Eſq.
John Harriſon, Eſq. Ely Place.
Alexander Hogg, Eſq. Lincoln's Inn.
Chriſtopher Hawkins, Eſq.
John Hawkins, Eſq.
Profeſſor Heyne, of the Univerſity of Gottingen.
Major Hoſmer.
Major Hawkins.

I.

Rev. Dr. Jackſon, Dean of Chriſt Church, Oxford, &c. &c.
John Ingram, Eſq. Temple.
John Ibbetſon, Eſq. Admiralty Office.
General Johnſtone.

K.

Le Comte de Kayſerling, Berlin.
Le Comte de Kalkreuthe, Berlin.
John Knightly, Eſq. Offchurch Bury, Warwickſhire.
Rev. Henry Kett, M. A. Trinity College, Oxford.

L.

His Grace the Duke of Leeds.
Moſt Noble the Marquis of Lanſdown.
Right Hon. the Earl of Liſburne.
John Leach, Eſq. Peckham, Surry.
Rev. Stephen Langſton, Little Horwood, Bucks.
Mr. Lowes.
John Ingram Lockhart, Eſq. Lincoln's Inn.
William Leir, Eſq.
William Little, Eſq. Coventry.

M.

Le Duc de Montmorency Chatillon.
Right Hon. Lord Mountmorres.
Le Chevalier de Metivier de Mazaren, Bonneville.
Lieutenant-General Mocher.
William Montague, jun. Eſq.
Gilbert Maſon, Eſq.
George Mathias, Eſq.
Rev. Thomas Methold.
Rev. R. Middleton.
Rev. Nathaniel May, Lincoln College, Oxford.
Robert Sadlier Moody, Eſq. Great Portland-ſtreet.
Paul Le Meſurier, Eſq. M. P. and Alderman.
Leonard Morſe, Eſq. War Office.
Becher Morſe, Eſq. Temple.
Rev. J. Miller, Acomb, Yorkſhire.
Rev. Thomas Monro, Bedford.
John Maxwell, Eſq.

Hon.

N.

Hon. Frederick North.
William Newby, Esq.
Mr. Henry Nantes.

O.

J. Otway, Esq. Upper Brook-ſtreet.

P.

Lady Porten.
Samuel Prime, Esq.
John Paradiſe, Esq. F. R. S.
Laurence Palk, Esq. M. P.
John Purling, Esq. M. P.
William Panter, Esq. Peckham, Surry.
David Parker, Esq. King's Mews.
Daid Reid Parker, Esq. Lincoln's Inn.
William Peachy, Esq. Temple.
Joſeph Planta, Esq. F. R. S. Britiſh Muſeum.
Joſeph Stephen Pratt, Esq.
Rev. H. Parſons, M. A. Oriel College, Oxford.
Mr. Peete.
Mr. Pettiward.

R.

Right Hon. Lord Rivers.—2 *Copies.*
John William Roſe, Esq. Recorder of London.
C. W. B. Rouſe, Esq.
Rev. William Roſe, Beckenham, Kent.—5 *Copies.*
Mr. Ruillet.
Mr. Riley.
Mr. Renat.

Right

S.

Right Hon. Counteſs Dowager Spencer.
Right Hon. Lord Southampton.
Sir James Sanderſon, Kt. and Alderman.
George Stubbs, Eſq.
Miles Stringer, Eſq. Peckham, Surry.
George Smith, Eſq. Piercefield, Monmouthſhire.
Mrs. Smith.
George Smith, jun. Eſq.
John Smith Eſq. Little Mary-le-bone-ſtreet.
Captain Sydney Smith.
Robert Slaney Eſq. Hatton, Shropſhire.
M. A. Slaney, Eſq.
J. Sykes, Eſq. Pembroke College, Oxford.
Mr. Shreff.
Granville Sharp, Eſq.
Francis Steward, Eſq. Weymouth.—2 *Copies.*
Thomas Sainſbury, Eſq. Alderman.

T.

Trinity-College Library.
James Theobald, Eſq. James-ſtreet, Bedford-row.
John Thornton, Eſq. Clapham, Surry.
—— Totton, Eſq. Lincoln's-Inn.
George Thomas, Eſq.
John Trent, Eſq. Queen's-College, Oxford.
Mr. Twining, Iſleworth.
John Tweedy, Eſq. Cleveland-row.
Mr. J. Fennel Tuffen.

George

V.

George Vanſittart, Eſq.
Hon. Capt. Vaughan.

W.

Moſt Noble the Marquis of Waterford.
Right Hon. the Marquis of Worceſter.
Right Rev. the Biſhop of Worceſter.
Rev. Dr. Weſton, Prebendary of Durham.
Matthew Blackett Wiſe, Eſq. Lincoln's Inn.—2 *Copies.*
John Woodhouſe, Eſq. Yatton Court, Herefordſhire.
John Woodhouſe, jun. Eſq.
Francis Woodhouſe, Eſq.
Rev. James Woodhouſe, M. A. Queen's College, Oxford.
Mr. Wright, Berner's-ſtreet.
Rev. Joſeph Wilkinſon, Carliſle.
Mrs. Wilkinſon.
Mr. Watſon.
Rev. John Williams, M. A. Marſton, Somerſetſhire.
Rev. John Wittingham.
Charles Worthington, Eſq. Lincoln's Inn.—2 *Copies.*
Mr. Walter, Charing Croſs.
Rev. Baſil Wood, M. A. Upper Berkley-ſtreet.—2 *Copies.*
Rev. Robert Whitehead, Queen's College, Oxford.
Brook Watſon, Eſq. M. P. Alderman.
Samuel Whitbread, Eſq.
Thomas Wright, Eſq. Alderman.
Mr. Wallace, Chriſt-Church College, Oxford.

Z.

Le Comte Zenobio, Venice.

TABLE OF CONTENTS

OF THE

THIRD VOLUME.

BOOK XI.

Eighth Period of Modern Hiſtory.

FROM THE DEATH OF CHARLES VI. UNTIL THE PEACE OF AIX LA CHAPELLE.

1740—1748.

CHAP. I.

Page

The Vicariate of the Empire on the Death of Charles VI. 1740—1742.

Bad proſpect for the Interregnum, particularly reſpecting the Vicariate - - - 2

Family Compact between the Houſes of Bavaria and the Palatinate concluded in 1724 - - ibid.

In which they agree to hold the Vicariate in common; but without the approbation of the Empire, which prevented the uſe of a common ſeal in the diſpatch of buſineſs - 4

Neither was the eſtabliſhment of a joint Aulic Court at Augſburg for the Vicariate of the Rhine approved of; ſo that there was almoſt a ceſſation in the adminiſtration of juſtice, except in the Aulic Court of the Vicariate of Saxony - - - - 5

CHAP.

CHAPTER II.

Page

Fate of the Pragmatic Sanction, until the Election of Charles VII. 1740—1742.

Claims of the Houſe of Bavaria upon the Auſtrian ſucceſſion, to invalidate the Pragmatic Sanction, founded upon the ſo-denominated REGRESSIVE INHERITANCE; which, however, were not admitted to the prejudice of thoſe who were the neareſt related to the laſt of the male line - 8

The right and order of ſucceſſion two diſtinct things; and a right of ſucceſſion, which once devolves to a particular line, continues there ſo long as that line exiſts - 9

On this account, Maria Thereſia, the daughter of Charles VI. had a prior right to all the more diſtant female deſcendants of the former Princes of her family - - 11

The uſual reſervation, at the renunciation made by daughters, has effect upon their poſterity only, when the ſucceſſion devolves to them on the failure of male heirs - 12

The Archdutcheſs Anna, therefore, who was married into the Houſe of Bavaria, could only make a reſervation in favour of her poſterity, that her renunciation ſhould be no obſtacle, when the Auſtrian male line became extinct; and not that they ſhould have the preference before all the other female deſcendants, and even the daughter of the laſt male heir; although ſeveral lawyers were of a different opinion, from a miſapplication of the principles of the Roman law, reſpecting conditional renunciations - 13

Maria Thereſia, therefore, ſucceeded according to the Pragmatic Sanction, and undertook to exerciſe her right of voting in behalf of Bohemia, to aſſiſt in procuring her huſband to be elected Emperor - - - 14

But affairs took quite a different turn, by the King of Pruſſia's marching his troops into Sileſia, in order to ſupport the claims of his Houſe upon Jägerndorf, Liegnitz, Brieg, and Wohlau - - - 15

France effects an alliance at Nymphenburg, to procure the Auſtrian ſucceſſion, as well as the Imperial dignity, for the Houſe of Bavaria - - - 16

CHAPTER III.

Capitulation at the Election of Charles VII. New Ordinances, particularly reſpecting unequal Marriages. Diet of the Princes at Offenbach. Electoral Collegiate Reſcripts.—1742.

Expected

Page
Expected alteration in the Capitulation at the Emperor's election - - - - - 18
Diet of the Princes called on that account at Offenbach - ibid.
Oppoſition of the Princes to ſeveral new articles, particularly to one, reſpecting ſome advantages granted to the Vicars of the Empire - - - - - 20
With other articles the Princes were contented; ſuch as that which was newly inſtituted, reſpecting *méſailliances*, or unequal marriages, which was grounded on ancient cuſtom, not only with regard to what are called MORGANATIC marriages, where the inequality of the wife and children, in point of rank, is acknowledged by agreement, but alſo where no agreement is made - - - 22
Againſt which no elevation of rank, without the conſent of the relations of the Houſe, can avail - - 23
Other principles ſeem to militate againſt this in the common Roman and Canon Laws - - - - - 26
The inſertion of this new article in the Capitulation, occaſioned by the *méſailliance* of Duke Anthony Ulric of Saxe-Meinungen - - - - - 27
The article confirmed afterwards by a Decree of the Empire 28
But the exact definition of a *méſailliance* left to ſome future Act - - - - - ibid.
Particularly whether the marriage of a Prince into a noble family was one, which, according to the ſpirit of the Germanic conſtitution, certainly ſeemed to be ſo - - 29
Since in the oppoſite caſe the moſt important conſequences might be expected - - - - - 30
On theſe and other Collegiate reſcripts there have hitherto been no deliberations of the Empire - - - 31

CHAPTER IV.

Remarkable Events during the Reign of Charles VII. 1742—1745.

Short as this reign was, it was fruitful in events of great importance - - - - - 32
The Pruſſian power in particular was conſiderably augmented by the addition of Sileſia and Eaſt Frieſeland - - 33
Eiſenach devolves to the Houſe of Saxe-Weimar, and Siegen to the Houſe of Orange-Naſſau, although claims were laid to the latter by another pretender - - - ibid.
The Houſe of Holſtein-Gottorp's proſpect of ſucceeding to the thrones of Sweden and Ruſſia - - 36
Decree of the Empire in favour of the Houſe of Heſſe-Caſſel, confirming its poſſeſſion of the County of Hanau, as well as its unlimited privilege *de non appellando* - - 37

Page
Several new Princes created by the Emperor - - 37
Many other changes, which were further expected in the constitution, prevented by the Emperor's death - 38

CHAPTER V.

Remarkable Events on the Succession of the Emperor Francis I. to the Throne. 1745.

Peace of Füssin, between Austria and Bavaria - - 39
Election and coronation of Francis I. - - ibid.
Admission of the Bohemian Envoy to the Diet, without further hesitation respecting the electoral vote of a female - 40
Articles of the Peace of Dresden and Aix la Chapelle - 41
Both without the participation of the Empire, except that the Empire guaranteed the Peace of Dresden, but with reservation of its rights respecting Silesia - - 42
The Empire only granted a subsidy to the Emperor, and offered its mediation - - - ibid.
New questions and ordinances respecting the continuation of the association of the anterior Circles; regulations respecting the alternate possession of the Rhenish Vicariate - 43
Renewal of the former connexion between the Imperial Crown and the House of Austria - - - 44
The difficulty removed thereby, respecting the archives of the Imperial Aulic Council, as well as the change of that Court under different Emperors, and the offices of Vice Chancellor and Referendaries of the Empire - - 46

CHAPTER VI.

Transactions at the Diet, concerning Appeals and ceremonial Disputes. 1745—1748.

Appeals frequently made from the Decrees of the Imperial Courts of Judicature to the Diet; but it was difficult to determine in which cases they were right - - 50
Four appeals made against the Imperial Chamber, which occasion the question, Whether a report should not be first required from the Chamber? - - - 53
An apparent majority against it, but in fact more in favour of the question - - - - 54
An appeal in the cause of Gleichen, from Saxe-Meinungen in particular, soon proved that even the facts, as related in the writings of the Princes, were not always to be depended upon - - - - - 56

An

Page
An appeal from the Palatine Electorate obtains a favourable decision among the Electors; but the hopes of obtaining a similar Decree from the Princes, frustrated - - 57
Decree of the Empire unfavourable to an appeal of Anthony Ulric, Duke of Saxe-Meinungen, respecting the capability of succession of his sons, who were born in a *mésalliance* 58
The ancient dispute concerning rank between the spiritual and secular Princes, at the first dinner given by the Prince of Taxis, when he was made Principal Commissary - 59
In consequence of which, there were ten successive publications on the subject from the Ministers of Hesse-Cassel, Hesse-Darmstadt, Bamberg, the Counts, Holland, and Bavaria - - - - - 60
Their chief contents - - - - - ibid.

BOOK XII.

Ninth Period of Modern History.

FROM THE PEACE OF AIX LA CHAPELLE UNTIL THE ELECTION OF JOSEPH II. KING OF THE ROMANS. 1748—1764.

CHAPTER I.

First Period of the Peace before the War of Seven Years, 1748—1753; particularly the Changes which took place during that Time in the State of the Coinage; and the Appeal against the Knights of the Empire.

The changes which have evidently taken place in the system of Europe, since the Peace of Aix la Chapelle, particularly with respect to the friendship subsisting between Austria and France - - - - 67
Improvements made during the time of peace, particularly in the Prussian territories - - - - 68
Alterations in the coinage, on account of the unequal proportion of gold and silver - - - ibid.
Discovered by Grauman in the standard of Leipsic - 69
Publications occasioned thereby on the subject, and the so-called CONVENTIONSFUSS, or convention standard - 70
Religious grievances of Hohenlohe - - - 71

Page

Upon which the Proteſtant body thought it neceſſary to enforce the right of ſelf-defence allowed by the Peace of Weſtphalia - - - - 72

Great diſturbances among the Catholics at the Court of Vienna - - - - ibid.

A very important appeal made by Würtenburg againſt the Knights of the Empire, particularly on account of the taxation of the eſtates of the Knights being ſtill perſiſted in, after they came into the hands of the States - - 74

Alſo on account of the peculiar right, which was maintained by the Knights of the Empire, of ſelling their eſtates; on account of the union of individual members; and the frequent admiſſion of the ſo-denominated PERSONALISTS, but without the decree of the Empire, which was procured, having the deſired effect - - - 75

CHAPTER II.

Second Period of the Peace before the War of Seven Years, 1753—1756. New Subjects of Diſpute between the Courts of Vienna and Berlin, and between the two Parties of Religion.

Affairs concerning which the Courts of Vienna and Berlin differed in opinion - - - - 78

Introduction of the vote of the Prince of Taxis in the College of the Princes, in oppoſition to the majority of votes on the ſecular bench of Princes - - - 79

The hereditary Prince of Heſſe-Caſſel changes his religion, and on that account ſigns an inſtrument to ſecure his ſubjects - - - - - 80

The Proteſtant ſubjects of Carinthia, Stiria, and Upper Auſtria, tranſported to Hungary and Tranſylvania - 83

New Capuchin Convent erected at Dierdorf, the reſidence of the Counts of Wiedrunkel - - - 84

Private intelligence of the deſign, in agitation at Vienna, of changing the ſtate of religion in the Empire, and reconquering Sileſia - - - - 85

CHAPTER III.

Cauſe of the War of Seven Years, and the Part taken in it by the Emperor and Empire. 1756—1757.

Treaty

Page

Treaty ſecretly concluded at Leipſic, May 18, 1745, between the Courts of Vienna and Dreſden, with the intention of obliging the King of Pruſſia to relinquiſh not only Sileſia, but other territories - - - - 87
Articles of a treaty of alliance formed, May 22, 1746, between the Courts of Vienna and Peterſburg - - 88
Private intelligence, on account of which the King of Pruſſia thought himſelf intitled to arm in his own defence, and prevent the threatened conſequences - - - ibid.
The Aulic Council conſidered this meaſure in the light of a breach of the public peace - - - 91
A war of execution, decreed at the Diet of the Empire, againſt the Elector of Brandenburg - - - 93
An article of the Capitulation of the Emperor, which had been hitherto the ſubject of diſpute, enforced on account of a memorial of the Court of Berlin being refuſed to be communicated, *per dictaturam* - - - - ibid.
Diſpute likewiſe concerning the manner of delivering the votes at the Diet - - - - - 94
A declaration of France and Sweden concerning their guarantee of the Peace of Weſtphalia - - - 96
In oppoſition to which the Court of Berlin appealed to an article of the Capitulation, by virtue of which no foreign troops can be brought into Germany - - 97
After the King of Pruſſia had loſt a battle, and the French, Ruſſian, and Swediſh armies took the field, the army of execution of the Empire marched likewiſe, and met with a defeat at Roſsbach - - - - 98

CHAPTER IV.

War of Execution of the Empire, 1757, and Military Eſtabliſhment.

Defects in the military eſtabliſhment of the Empire, which were particularly diſcovered at the battle of Roſsbach, eſpecially on account of every State being obliged to maintain his own quota of men - - - 99
The number of ovens - - - - 100
Difference of pay - - - - 101
Deficiency of many things neceſſary for the war, the muſkets of unequal ſize, &c. - - - - 103
Military cheſt raiſed by the grant of Roman Months - 104
The mode of keeping the accounts - - -
Aſſignments and compenſations - - -
Tax impoſed upon the ſubjects for the raiſing of Roman Months 106

Page
Augmentation of them for the States which remained unarmed - - - - - 107
Commanding officers of the Empire - - - ibid.
Maintained likewiſe in time of peace - - 108
But enjoy the particular advantages of their offices only during a campaign - - - - ibid.
New regulations every time reſpecting the chief command of the army - - - - - ibid.
An Imperial Council of War, which by virtue of the Capitulation ought to be compoſed of both religions, not yet eſtabliſhed - - - - - 109

CHAPTER V.

Debates on the Deſign of ſubjecting the King of Pruſſia to the Ban of the Empire, and concerning a Congreſs of Peace at Augſburg. Peace finally concluded at Hubertſburg. 1758—1763.

As the three Colleges of the Empire were proceeding to put the King of Pruſſia to the ban, the Proteſtant body reſolved upon ſeceſſion, in order to preſerve the authority of the Capitulation - - - - 110
The Emperor declares their reſolution annulled; but in vain 111
The Empire inſiſts upon joining the Congreſs of Peace to be held at Augſburg,—and on ratifying the former treaties, with an exception of that of Ryſwick—on which the two parties of Religion again divide, and the Congreſs comes to nothing - - - - - 112
The war at laſt finally concluded by other Treaties of peace at Paris and Hubertſburg - - - 115

BOOK XIII.

Tenth Period of Modern Hiſtory.

JOSEPH II. 1764—1786.

CHAPTER I.

Joſeph II. elected King of the Romans. 1764.

Electoral

Page

Electoral Collegiate Diet, and meeting for the purpose of election, at Frankfort - - - 117
Capitulation, and Electoral Collegiate Address to the Emperor - - - - - - ibid.
Two Decrees passed by the Electors - - - ibid.
Disputes concerning the number of cannon to be fired at the arrival of the Imperial Commissary, and the Electors - 118
The personal attendance of the newly-elected King of the Romans no longer required as formerly in the Conclave—nor the consent of the Father - - - 119
The election accomplished on this occasion without the previous consent of the Diet - - - 120
All the Nine Electors vote at the Election - - 121
The Electoral Union confirmed by oath - - ibid.
Remarks on the alternate precedence of the Electors of Treves and Cologne - - - - 122
Agreement of the Courts of Munich and Manheim to enjoy the Vicariate of the Rhine alternately, approved of - ibid.
The further agreement of the Vicarial Courts concerning the Rhenish and Saxon Vicariates, recommended to the deliberation and approbation of the Diet - - ibid.

CHAPTER II.

Visitation of the Imperial Chamber.

Laudable zeal of Joseph II. for justice, which he discovers by a particular ordinance issued to the Aulic Council, and by affording hopes of a Visitation of the Chamber; concerning which, serious deliberations are begun at the Diet - 136
But a book which appears under the title of "Reflections on "the Visitation," gives rise to entirely new principles; as if the Visitation was only a court of justice, and not dependent upon the Diet, but, by virtue of a Recess of the Empire of the year 1543, only on the Emperor, who could settle every thing respecting it, therefore, according to preceding laws - - - - 139
These principles begin to be adopted at Vienna - - 142
The Visitation opened in May, 1767 - - 143
A difficulty arises immediately, concerning the distinction between the Visitation and Revision, and concerning the right maintained by the Elector of Mentz, of having a Sub-delegate in every Senate of Revision, which was one reason why the Visitation at last stopped - - 145
The affairs punctually examined each time by twenty-four sound lawyers - - - - 147

Page
The propoſal to appoint a ſubordinate deputation unſucceſsful 148
An unexpected diſcovery, that a Jew carried on a trade with the Solicitors at Wetzlar, and that three Aſſeſſors received bribes; which occaſions a ſerious inquiry - - 149
The Viſitation had ſcarcely continued a year, before a diſpute ariſes concerning the relief of the firſt claſs, in November, 1774 - - - - - 150
Another diſpute, whether the Imperial Commiſſioners could invalidate a decree paſſed by a majority of votes, by refuſing their conſent - - - - 151
A report of the proceedings to the Emperor and Empire occaſions at laſt a Reſolution of the Diet, reſpecting ſeveral circumſtances which occurred at the Viſitation of the Chamber - - - - - ibid.
The Viſitors previouſly take the opinion of ſeveral of the Aſſeſſors to regulate the ſtatutes of the Chamber, but do not begin the work - - - - - 152
On the contrary, the Viſitors employ themſelves in ſettling the fees to be paid by the States, who complain reſpecting their law-ſuits - - - - 153
Another diſpute concerning the part the Counts were to take in the Viſitation, which could not be allowed to individuals, but only to the four Colleges collectively, of which the Counts of Franconia and Weſtphalia, as well as Wetteravia, were reckoned purely Proteſtant - - 154
In this manner the affair was conſidered by the whole Diet in 1766 - - - - - 156
But now the Counts of Weſtphalia and Franconia were all at once to be reckoned alternately on the Catholic ſide, as a Catholic Plenipotentiary of the Count of Metternich attended the ſecond claſs, in behalf of the Counts of Weſtphalia - 157
Upon which the Catholics and Proteſtants paſſed Decrees directly contrary to each other, at Ratiſbon - - 159
An unfortunate diviſion of the whole Viſitation at Wetzlar - - - - - - 160
Publications on both ſides, the merits of which poſterity alone can determine - - - - - 161
The ſuppoſition that a memorial from Carlſruhe had a fatal influence on the whole affair, certainly without foundation - - - - - - 164

CHAPTER III.

Remains of the Viſitation; Diſpute concerning the Religious Quality of the Vote of the Counts of Franconia and Weſtphalia; Decree of the Empire, of 1775, enforced.

Diſpute

Page

Diſpute continued concerning the religious quality of the vote of the Counts of Franconia and Weſtphalia - 166
The Diet totally inactive for five years - - 167
The number of Aſſeſſors of the Chamber increaſed to 25 - 168
Not fixed before June, 1782 - - - 169
Decree of the Empire in 1775, reſpecting the Senates in the Chamber - - - - ibid.
Evident miſconceptions and obſtacles not removed - 172
Other ordinances of the Decree of the Empire, to limit the arbitrary power of the *Directorium* - - 174
Various objects, of which the Viſitors were firſt to give a report; but, as the Viſitation was diſſolved, it muſt be firſt reſtored again - - - 175
A more accurate legal determination of thoſe caſes in which Mandates may be iſſued by the Tribunals of the Empire, without proviſional clauſes; as well as the ORDINATIONS, as they are called, which are lately come into frequent uſe in the Imperial Chamber; and how the two ſupreme Tribunals may be prevented coming ſo often into colliſion with each other, ſince the Aulic Council will not allow the Chamber a concurrent juriſdiction in cauſes which concern the *Reſervata* of the Emperor, and the ſtrict obſervance of the Papal Concordate - - 176
On which account freſh diſſenſions have ariſen concerning a demand of the writings and Protocol of the deliberations of the Chambers made by the Imperial Court - - 180
Sincere wiſh that all ſimilar diſſenſions may be removed, by the adoption of juſt and uniform principles - - 181

CHAPTER IV.

Redreſs of Religious Grievances.

A new article inſerted in the Capitulation of 1742, to redreſs the religious grievances - - 182
And a laudable declaration from the Emperor Joſeph II. occaſioned by an Electoral Collegiate addreſs in 1770 - 184
A Deputation of ſix Proteſtant States, appointed to put the regulation in force, in 1770 - - ibid.
The ſums levied to defray the neceſſary expences, almoſt exhauſted in 1784 - - - 185

CHAPTER V.

Revolutions in the Catholic Church, particularly occaſioned by the Abolition of the Order of the Jeſuits.

Page

Complaints of the Catholic Church of Germany revived againſt the Court of Rome, particularly in conſequence of a diſpute between the Biſhop and Chapter, and the Dean of the Cathedral of Spire, which the Papal Rota endeavoured to ſettle at Rome, omitting the reſort to the Archiepiſcopal Court of Mentz - - - 187
The Pope yields, in conſequence of an Electoral Collegiate memorial, to the Emperor - - - 190
The contents of this memorial not wholly obſerved - ibid.
A more perfect edition of the Concordate publiſhed, together with the Inſtrument of acceptance of the Decrees of the Council of Baſil; and a book under the name of Juſtinus Febronius, highly prejudicial to the Papal power - 191
The three Spiritual Electors renew their complaints againſt the Court of Rome, but without the ſupport expected from the Emperor - - - - 192
The moſt important revolutions occaſioned by the abolition of the Order of the Jeſuits; by which the country becomes more enlightened, and a greater ſpirit of toleration prevails among the people, which begins to produce important conſequences, in ſome meaſure in the reign of Maria Thereſia, but more under Joſeph II. in the hereditary dominions of Auſtria - - - 193
Although many Ex-Jeſuits are ſtill active in Germany, and the Order ſtill finds means of diffuſing its influence under the protection of Ruſſia - - - 194

CHAPTER VI.

Extinction of the Houſe of Bavaria; and the War occaſioned by that Circumſtance, which was terminated by the Peace of Teſchen.

The Elector Palatine aſſerts his right of ſucceſſion to the dominions of the Elector of Bavaria, on the extinction of that Houſe - - - - 198
Auſtria lays claim to Lower Bavaria, and to the vacant fiefs of the Empire and the Crown of Bohemia - - 199
The claims are oppoſed by the Duke of Deux-Ponts - 200
The King of Pruſſia ſupports him, as well as the claims of the Electoral Houſe of Saxony, and the Duke of Mecklenburg - - - - - 201
The diſpute occaſions a war - - - ibid.
Memorial of the Ruſſian Court, of great weight; ſo that a peace was concluded at Teſchen, through the mediation of Ruſſia and France; by virtue of which, Auſtria acquires a diſtrict of land between the rivers Danube, the Inn, and the Salze - - - - 202

The

Page
The Elector of Saxony compenſates for the perſonal inheritance, for ſix millions of florins - - 206
The expectation of the privilege *de non appellando*, granted to the Duke of Mecklenburg - - - 207
The temporary oppoſition to the future reunion of the Brandenburg Principalities, in Franconia, to the Electoral Houſe, totally removed - - - 209
The Peace of Teſchen not only guaranteed by France and Ruſſia, but confirmed by the Diet; only with the reſervation of other evident rights, which ſeveral States of the Empire had already claimed at Teſchen, and at Ratiſbon ibid.
Thoſe which reſpected Salzburg and Donawerth in particular, ſettled by ſeparate Treaties - - 210
The conſent which was required of the two ſuperior Colleges, reſpecting the vacant fiefs, granted, to which the Emperor aſſents - - - - 211
The Peace not only drawn up in French, but ſubmitted to the Diet without any tranſlation - - 212

CHAPTER VII.

Lateſt Events after the Peace of Teſchen.—Death of the Empreſs Maria Thereſia.—League of the Princes, 1785.—End of the Age of Frederick II.

Commencement of the reign of Joſeph II. and his uſeful regulations in his hereditary dominions - - 214
Diſpute with the United Provinces concerning the opening of the Scheld - - - - - 215
Apprehenſions reſpecting certain principles diſcovered on this occaſion - - - - ibid.
Several attempts to the prejudice of the Biſhoprick of Salzburg, as well as the revival of ſome Imperial prerogatives in the affairs of the Empire, grounded on the cuſtoms of antiquity - - - - - 217
The PANISBRIEFE, as they are called, and alarming conduct of the Auſtrian Directorial Ambaſſador at Ratiſbon, in ſeveral inſtances - - - - 218
Injurious proceedings againſt weaker neighbouring States - 221
The propoſal to the Duke of Deux-Ponts, to exchange Bavaria for the Auſtrian Netherlands, upon condition of his enjoying the title of King of Burgundy - - - 222
The deſign conſidered at Berlin as repugnant to the Peace of Teſchen - - - - ibid.
League of the Princes formed in oppoſition to it - 223
One of the laſt acts of Frederick II. whoſe age, on that account, forms a remarkable æra in Hiſtory - 224

Hope

Page

Hope and wish, that the constitution of the Empire, developed in the preceding pages, may be confirmed by this measure for ever! - - - - 225

BOOK XIV.

GENERAL OBSERVATIONS ON THE CONSTITUTION OF THE GERMANIC EMPIRE, AS IT EXISTS AT PRESENT.

CHAP. I.

Remarks on the three Places, where the Form of Government is most conspicuous, viz. Vienna, Ratisbon, and Wetzlar.

Perpetual unity of the Empire, as it is particularly visible at Vienna, Ratisbon, and Wetzlar - - 226
The immediate affairs of the Empire very much obscured by the greater weight of the Emperor's hereditary dominions 228
Agents of the Aulic Council, or Ministers sent by the States, employed to transact business with the Emperor at Vienna, or else Imperial Ministers sent to other parts of the Empire - - - - - 229
The union between the Head and members of the Empire most evident, in the public investiture of Fiefs, particularly Throne-Fiefs - - - - 230
Scruples respecting the persons invested, not personally appearing; concerning fines, and *Laudimia*, or fees - 232
The Diet more conspicuous at Ratisbon, though the number of Ministers from the States is evidently decreased - 239
Not so much energy in the deliberations as formerly - 240
The Chamber of Wetzlar in constant exercise, though only in the concerns of law, except when any point is disputed respecting the constitution, or form of the proceedings of the Chamber itself - - - 242

CHAPTER II.

The Security and Welfare of the Constitution, an Object of the first Importance, still preserved by the Decrees of the Imperial Courts of Judicature.

Page

Great advantage of the Germanic conſtitution, that a legal reſort is open againſt every member of the Empire - 244
Even in favour of the ſubject againſt his territorial lord - 245
The creditor againſt any of the States who are his debtors, particularly in the ſo-denominated DEBIT COMMISSION 249
Though it is to be wiſhed that ſome regulation was made by the Legiſlature, reſpecting the appeals to the Diet againſt unfavourable decrees of the Courts of Judicature, which would be attended with ſome difficulty - - - 251
But until ſome regulation is made, the reſult of every appeal depends upon the majority of votes in the three Colleges of the Empire - - - - 253

CHAPTER III.

Further Remarks on Electoral Congreſſes.—Diets of the Circles, and Separation of the two Parties of Religion, or Jus eundi in partes.

Beſides the three places, Vienna, Ratiſbon, and Wetzlar, where the conſtitution of Germany is always conſpicuous, it occaſionally appears at an election of a King of the Romans, or Emperor; in the Deputations of the Empire, and particularly the Viſitation of the Chamber - 255
Separate Collegiate meetings may be held likewiſe, as has been frequently the caſe with the Electors and Imperial cities, particularly with the ancient ſecular Princes, Prelates, and Counts - - - 256
The Diets likewiſe of the Circles, connected with the conſtitution of the Empire, eſpecially thoſe of Swabia, Franconia, Bavaria, and the Circles of the Rhine, as well as the ſeparate deliberations of each party of religion, which the Proteſtant Body has had the greateſt reaſon to have recourſe to, on account of the majority of votes of their antagoniſts, and their intolerant principles - - - 257
Although the enlightened Catholics are of a different perſuaſion, yet the ſources of intoleration are not entirely deſtroyed; of which the effects hitherto produced, and the apprehenſion of them in future, are unavoidable - 262
Notwithſtanding this, a hope ſtill ariſes, that the Germanic Empire may afford an example to other nations, of the harmony which may ſubſiſt between adherents to different religious perſuaſions in the ſame country - - 265

CHAP-

CHAPTER IV.

Page

Remarks on the Ordinances enacted by the Diet, or the Imperial Court, how far they are neceſſary at preſent in the Government of the particular States of Germany, and the Effects which they produce.

Almoſt all the German territories are individually governed according to their own convenience, and not with any uniformity with the government of the Empire in general 266
At furtheſt, ſome regard may be paid to the neighbouring States, or conſtitution of the Circles - - 268
General Decrees of the Empire on ſubjects which immediately concern the internal conſtitution of the particular States, much leſs frequent, and more difficult to accompliſh - - - - ibid.
This circumſtance occaſions the diſtinction between the different territories conſtantly to increaſe; from which very fortunately a great advantage may be derived - 270
Certain reſerved rights of the Emperor, which ſtill come into conſideration here, as the Emperor's right of conferring titles of honour throughout Germany, the right of appointing Counts Palatine of his Court and Notaries - 271
The tolls no longer his; but no State can eſtabliſh them without his conſent; as well as the right of coinage, founding univerſities - - - 273
Some rights diſputed, or ſubject to certain regulations; as the eſtabliſhment of annual markets and fairs, municipalities and guilds, Letters of Reſpite - - 274
In ſome caſes, a concurrence of certain Imperial and territorial rights of ſovereignty; as in declaring infants out of their minority, and legitimating natural children - 280
An Imperial grant for all Germany can have no effect in the countries of particular States - - ibid.
Particular circumſtances reſpecting the privilege of printing 281
A determined line drawn between the reſerved rights of the Emperor, and territorial rights of the States - - 282
The States of Germany conſidered almoſt upon an equality with the other States of Europe, with reſpect to their rights of government; as, of making war, leagues, repriſals, and reciprocal Treaties of every kind - 283

The

Page
The particular States of Germany, on this account, not to be omitted in the liſt of European powers - - 285
Offices of ſtate more numerous, and from other cauſes, than among other powers - - - ibid.
Even laws of the Empire may eſtabliſh certain reſtrictions of territorial ſovereignty - - - 287
Singular remains of the ancient Advocacies in ſome of the eccleſiaſtical countries, and in ſome Imperial cities - ibid.

CHAPTER V.

Particular Sources of the great Variety among the States of Germany.

Frequent inſtances of ſeveral States devolving, by different means, to one Sovereign; which has had a conſiderable influence on the increaſe of power of ſeveral Houſes, as well as upon the conſtitution of the countries themſelves, particularly in thoſe where the Sovereigns are not reſident - - - - - - 289
Several eccleſiaſtical territories frequently united under one Sovereign, by accident, and only during his life - 293
The ſame circumſtance likely to occur ſometimes in ſecular countries, in the caſe of the appointment of a guardian, or a DEBITCOMMISSION - - - 295
Younger children who enjoy appenages, and widows, or heireſſes, may undertake the government - - ibid.
Many countries, on the contrary, have ſeveral Sovereigns, who are jointly in poſſeſſion of the government, or enjoy it alternately - - - - 296
Singular regulation of ſome countries being in the poſſeſſion of the younger branches of a Houſe, who are ſubject in certain reſpects to the elder - - - 298
Another kind of dependance of the territories of individuals among the free Nobles, or Knights of the Empire, upon whole Cantons or Circles - - - 299
Of the countries of the States on the Collegiate meaſures, or Decrees of the Circle - - - 300
Diſputes ſometimes concerning the ſtate of immediacy and freedom of certain members of the Empire, or EXEMTIONS STREITIGKEITEN, as they are called; by which many who conſider themſelves as immediate, become mediate - - - - 301

In

Page
Augmentation of them for the States which remained unarmed - - - - - 107
Commanding officers of the Empire - - - ibid.
Maintained likewiſe in time of peace - - 108
But enjoy the particular advantages of their offices only during a campaign - - - - ibid.
New regulations every time reſpecting the chief command of the army - - - - - ibid.
An Imperial Council of War, which by virtue of the Capitulation ought to be compoſed of both religions, not yet eſtabliſhed - - - - - 109

CHAPTER V.

Debates on the Deſign of ſubjecting the King of Pruſſia to the Ban of the Empire, and concerning a Congreſs of Peace at Augſburg. Peace finally concluded at Hubertſburg. 1758—1763.

As the three Colleges of the Empire were proceeding to put the King of Pruſſia to the ban, the Proteſtant body reſolved upon ſeceſſion, in order to preſerve the authority of the Capitulation - - - - 110
The Emperor declares their reſolution annulled; but in vain 111
The Empire inſiſts upon joining the Congreſs of Peace to be held at Augſburg,—and on ratifying the former treaties, with an exception of that of Ryſwick—on which the two parties of Religion again divide, and the Congreſs comes to nothing - - - - - 112
The war at laſt finally concluded by other Treaties of peace at Paris and Hubertſburg - - - 115

BOOK XIII.

Tenth Period of Modern Hiſtory.

JOSEPH II. 1764—1786.

CHAPTER I.

Joſeph II. elected King of the Romans. 1764.

Electoral

Page
Electoral Collegiate Diet, and meeting for the purpose of election, at Frankfort - - - 117
Capitulation, and Electoral Collegiate Address to the Emperor - - - - - - ibid.
Two Decrees passed by the Electors - - - ibid.
Disputes concerning the number of cannon to be fired at the arrival of the Imperial Commissary, and the Electors - 118
The personal attendance of the newly-elected King of the Romans no longer required as formerly in the Conclave—nor the consent of the Father - - - 119
The election accomplished on this occasion without the previous consent of the Diet - - - 120
All the Nine Electors vote at the Election - - 121
The Electoral Union confirmed by oath - - ibid.
Remarks on the alternate precedence of the Electors of Treves and Cologne - - - - 122
Agreement of the Courts of Munich and Manheim to enjoy the Vicariate of the Rhine alternately, approved of - ibid.
The further agreement of the Vicarial Courts concerning the Rhenish and Saxon Vicariates, recommended to the deliberation and approbation of the Diet - - ibid.

CHAPTER II.

Visitation of the Imperial Chamber.

Laudable zeal of Joseph II. for justice, which he discovers by a particular ordinance issued to the Aulic Council, and by affording hopes of a Visitation of the Chamber; concerning which, serious deliberations are begun at the Diet - 136
But a book which appears under the title of "Reflections on "the Visitation," gives rise to entirely new principles; as if the Visitation was only a court of justice, and not dependent upon the Diet, but, by virtue of a Recess of the Empire of the year 1543, only on the Emperor, who could settle every thing respecting it, therefore, according to preceding laws - - - - 139
These principles begin to be adopted at Vienna - - 142
The Visitation opened in May, 1767 - - 143
A difficulty arises immediately, concerning the distinction between the Visitation and Revision, and concerning the right maintained by the Elector of Mentz, of having a Sub-delegate in every Senate of Revision, which was one reason why the Visitation at last stopped - - 145
The affairs punctually examined each time by twenty-four sound lawyers - - - - 147

BOOK XI.

the Houſe of Auſtria, which had continued without interruption for three centuries. There were at firſt, indeed, ſome hopes at Vienna, that Charles's ſon-in-law, Francis of Lorraine, who was then Grand Duke of Tuſcany, would be elected Emperor, and that Vienna therefore would remain as uſual the ſeat of the Imperial Court; but this hope ſoon vaniſhed, and a variety of circumſtances concurred, which threatened ſeveral important changes in, if not a total ſubverſion of, the Germanic conſtitution. The Interregnum itſelf, before a new election was accompliſhed, was attended by a number of remarkable circumſtances.

The recollection of the diſpute concerning the Vicariate of the Empire between the Bavarian and Palatine Houſes, on the death of Ferdinand III, gave ſome cauſe for apprehenſion at preſent *(a)*. This affair did not occaſion any diſturbance at the death of Joſeph I, becauſe the Elector of Bavaria was at that juncture under the ban of the Empire, ſo that the Elector Palatine had no opponent. The expectation of the public was now raiſed, and waited the reſult, when it was ſuddenly diſcovered that not only this diſpute between the two Houſes had been ſettled in the year 1724, but that a general Family Compact likewiſe had been concluded, which comprehended a variety of important articles.

(a) Vol II. B. 9. ch. 1.

The

CHAP. I.

The difference of religion, which subsisted between the two houses, so long as the Electoral line of Palatine-Simmern, which was of the Calvinistical persuasion, flourished, had certainly a considerable influence. Now that the Catholic House of Palatine-Neuburg succeeded to the Palatine Electorate, there was much less difficulty, upon the restoration of the Bavarian House to its former honours, in consequence of the peace of Baden, to bring them to a nearer connection with each other. This was at last accomplished by means of the treaty of union already mentioned, which was privately concluded by the two houses on the 5th of May, 1724; and as Francis Lewis, who was at that time Elector of Treves, was a brother of the Elector Palatine, and Clement Augustus, Elector of Cologne, a son of the Elector of Bavaria, both those Spiritual Electors were included in the treaty.

This Family Compact, which was in many respects of such importance to the constitution of the Empire, in the first place renewed certain ancient treaties of the years 1490, 1529, and 1674, so far as they were not inconsistent with the peace of Westphalia—After this both Houses bound themselves to protect each other in the possession of their territories and privileges; and for this purpose it was enjoined, that they should adopt the same measures at all public meetings of the States, and act for the interest of each other in all negociations with the Imperial or other Courts, or else where any particular views

BOOK XI.

or treaties prevented this, to avoid any oppoſition, by remaining neutral. They further promiſed to ſupport each other, in caſe of an attack, with all their forces; and, on this account, that each Electoral Houſe ſhould keep a ſtanding army of 8000 men, 2000 cavalry, and 6000 infantry. That all the Princes likewiſe deſcending from the joint Bavarian and Palatine houſes, who ſhould obtain eccleſiaſtical Electorates or Principalities, ſhould of courſe be included in the treaty. It was moreover enjoined, by a ſeparate article, that mutual aſſiſtance ſhould be granted, particularly in caſe of any moleſtation on account of the Catholic religion. That one Houſe ſhould in like manner endeavour to promote the advantage of the other, in caſes of Matrimony, elections to Biſhopricks, or Coadjutorſhips. That, on the other hand, both Houſes ſhould always withhold their conſent to the claims of the Princes reſpecting a perpetual capitulation, and their equality with the Electors, and oppoſe the introduction of new Princes to the utmoſt of their power *(a)*.

With reſpect to the Vicariate of the Rhine, it was ſettled in the convention, that the Bavarian and Palatine Houſes ſhould have the adminiſtration in common; and that for this end, whenever the Imperial throne was vacant, a joint court of judicature ſhould be eſtabliſhed at Augſburg.

(a) FABER's State Chancery—Vol. LXXX, p. 90. Hiſtory of the Interregnum after the death of Charles VI. Vol. I. p. 322.

All this was put in execution immediately after the death of Charles VI; but a queſtion aroſe now, whether the two Courts of Munich and Manheim could make this alteration in the Rheniſh Vicariate, of their own accord, without firſt obtaining the conſent of the Emperor and Empire. It was conſidered by many as a deviation from the Golden Bull, to have three adminiſtrators of the Empire in future, inſtead of the two which are there expreſsly mentioned, viz. the Palatinate and Saxony. And as a deviation from the cuſtom hitherto prevailing, that a Vicariate Court of Judicature, which was in the place of the Aulic Council, ſhould be held in another place, viz. an Imperial city, and not at the court of the Vicar of the Empire.

The Electoral Court of Saxony took no part in this alteration; ſo that no agreement could be made reſpecting a common ſeal, which was otherwiſe cuſtomary, to be made uſe of in the Imperial Chamber during an Interregnum. On this account, as long as the Interregnum laſted, no buſineſs could come to any formal iſſue at Wetzlar; a circumſtance which occaſioned, among other things, the greateſt inconvenience to the perſons employed in chancery, as their ſalaries depended entirely on the fees which were paid when any formal acts of the courts were executed.

Beſides this, the Vicariate Court of Judicature at Augſburg was not acknowledged by moſt of the

BOOK XI. States of the Empire; ſo that, except in the diſtrict of the Saxon Vicariate, there was almoſt a total ceſſation in the adminiſtration of juſtice. This appeared ſo difficult to remedy, that the Vicarial Courts themſelves were under the neceſſity of taking the matter into conſideration, and uniting in the eſtabliſhment of ſome other inſtitution.

In the capitulation at the election in the year 1742, it was only ſaid, "that as the circumſtances which "were already known had occurred, with reſpect "to the joint adminiſtration which had been "agreed upon of the Rheniſh Vicariate, the affair "ſhould be referred to the meeting of the States," until which time the Emperor's approbation of the acts of the Vicariate, which was otherwiſe uſual, was deferred, and on the preſent occaſion it was confined to the affairs of the Vicariate of Saxony alone *(a)*.

(a) Capitulation at the Election of Charles VII. Art. III. § 18, 19.

CHAP-

CHAPTER II.

Fate of the Pragmatic Sanction, until the election of Charles VII. 1740—1742.

Claims of the Houſe of Bavaria upon the Auſtrian ſucceſſion, to invalidate the Pragmatic Sanction—Founded upon the ſo denominated REGRESSIVE INHERITANCE—which, however, were not admitted to the prejudice of thoſe, who were the neareſt related to the laſt of the male line—the right and order of ſucceſſion two diſtinct things—And a right of ſucceſſion, which once devolves to a particular line, continues there ſo long as that line exiſts—On this account, Maria Thereſia, the daughter of Charles VI. had a prior right to all the more diſtant female deſcendants of the former Princes of her family—The uſual reſervation, at the renunciation made by daughters, has effect upon their poſterity only, when the ſucceſſion devolves to them on the failure of male heirs—The Archdutcheſs Anna, therefore, who was married into the Houſe of Bavaria, could only make a reſervation in favour of her poſterity, that her renunciation ſhould be no obſtacle, when the Auſtrian male line became extinct; and not that they ſhould have the preference before all the other female deſcendants, and even the daughter of the laſt male heir—Although ſeveral lawyers were of a different opinion, from a miſapplication of the principles of the Roman law, reſpecting conditional renunciations—Maria Thereſia, therefore, ſucceeded according to the Pragmatic Sanction—And undertook to exerciſe her right of voting in behalf of Bohemia, to aſſiſt in procuring her huſband to be elected Emperor—But affairs took quite a different turn, by the King of Pruſſia's marching his troops into Seleſia, in order to ſupport the

BOOK XI.

claims of his houſe upon Jägerndorf, Liegnitz, Brieg, and Wohlau—France effects an alliance at Nymphenburg, to procure the Auſtrian ſucceſſion, as well as the Imperial dignity, for the Houſe of Bavaria.

THE grand object which attracted the attention of every one on the death of Charles VI, and on which almoſt all the other affairs of ſtate depended, was the queſtion, Whether the Pragmatic Sanction, the confirmation of which the deceaſed Emperor had had ſo much at heart, would continue valid? As far as was then known, the oppoſition of the Court of Munich to the Pragmatic Sanction was the only obſtacle not yet removed. The Elector of Bavaria did not ground this oppoſition ſo much upon the right of his conſort as a daughter of the Emperor Joſeph, as upon his own perſonal claims in right of his great great great grand-mother on his paternal ſide, the wife of Albert V. Duke of Bavaria, who was the daughter of the Emperor Ferdinard I; and though ſhe had at the time of her marriage made the uſual renunciation of her claims in favour of her brother and his male offspring, yet notwithſtanding this, ſhe had made a reſervation of her rights, in caſe of the extinction of the Auſtrian male line, and their poſterity.

This kind of claim, which is uſually termed a REGREDIENTERBSCHAFT (regreſſive inheritance), is ſo far well founded, that the daughter of a Prince and her deſcendants, if they ſurvive the male line, to

to which they muſt yield the family inheritanee, can no longer be injured by any former excluſion, or renunciation of right.—For as far as the queſtion does not concern any feudal eſtates to which no female whatſoever can ſucceed, according to the right of ſucceſſion eſtabliſhed by cuſtom in Germany, daughters and female deſcendants in the houſes of Princes, when the male line is totally extinct, have a right to claim the inheritance, ſince the priority allowed to the male branch no longer exiſts, to prevent it. CHAP. II.

So far the Elector of Bavaria might legally aſſert an excluſive preference as a deſcendant in the female line from Ferdinand I, becauſe the male deſcendants of that Prince had hitherto ſucceeded as the heirs of the Houſe of Auſtria; and the renunciation made in their favour by Ferdinand's daughters, from whom the Elector deſcended, now that the Auſtrian male branch was extinct could not be urged againſt him. In ſhort, there is no doubt but that the right of ſucceſſion of all the deſcendants in the female line, of the Houſe of Auſtria was now open, and that the right of inheritance of the former male branch, no longer exiſted.

But another queſtion ariſes here, on which the whole of the buſineſs turns. Was the right of inheritance, which devolved to all the deſcendants in the female line, to deſcend in an equal degree? Or was there a certain order to be obſerved, ſo that one branch

BOOK XI. branch ſhould regularly ſucceed the other in the enjoyment of the inheritance; ought not the more diſtant branches to give place to thoſe that are nearer, and how was this degree of conſanguinity to be legally determined?

We muſt here conſider the nature of the caſe, the mode of ſucceſſion in the Houſes of the States of the Empire; and that there is a great difference between the right of ſucceſſion and the order of it. The right of ſucceſſion in the male line of a Princely Houſe deſcends immediately from the firſt proprietor to all his deſcendants; and this right can never be transferred to a ſtranger, or alienated to his diſadvantage. But, in order to preſerve this right, the younger ſons, in Houſes where the right of primogeniture is eſtabliſhed, or diſtant branches, as long as there are any nearer heirs, muſt wait till they ſucceed in order; and the circumſtance of the ſucceſſion not falling to their lot during their life muſt be conſidered merely as a matter of chance. In the ſame manner it is equally conſiſtent on the extinction of the male branch, for the right of ſucceſſion to be open in the ſame order to the deſcendants of females; that is, that the incapability of ſucceſſion which depended on the priority of the males, can no longer be preſumed. But does it follow, on this account, that the right of ſucceſſion is in that caſe equal to all? By no means! Neither will any one pretend to aſſert, that all the deſcendants of the former Auſtrian Princeſſes could claim the right of

of ſucceſſion without diſtinction, on the death of Charles VI. CHAP. II.

Upon what grounds then was the order of ſucceſſion in the preſent caſe to be determined? Here again the point is ſettled; that though the right of ſucceſſion is always derived without diſtinction from the firſt poſſeſſor, becauſe no future poſſeſſor can deprive the other deſcendants of the firſt, of it: and in this reſpect the German differs from the Roman mode of ſucceſſion, by which the poſſeſſor was indebted to the laſt deceaſed; yet, with reſpect to the order of ſucceſſion according to all laws, however they are called, it can not be otherwiſe than that one muſt wait for the death of the other, and regularly ſucceed according to his near or diſtant degree of conſanguinity.

It is not neceſſary to enquire here, whether this degree is to be determined by the tables contained in the Roman laws, according to the precedency of primogeniture, or other principles. It is enough, that where the queſtion relates to the order, and not to the right of ſucceſſion, every thing depends upon the proximity of relationſhip. And here likewiſe another important principle in the German right of ſucceſſion muſt be conſidered, that, when an inheritance once devolves to any particular line, it continues in that line till it is totally extinct.

If we apply this to the Auſtrian Pragmatic Sanction, we ſhall find that it was perfectly agreeable to

BOOK XI.

to the ſyſtem tranſmitted from time immemorial in the Princely Houſes, for the right of ſucceſſion on the death of Charles VI. to be open to all the female deſcendants, and that no preceding renunciation could be urged to their prejudice; but, in the order of ſucceſſion in the preſent inſtance, the daughters who were laſt deceaſed, preceded the daughters of the brother deceaſed before, and all the diſtant female deſcendants of the former Princes of the Houſe.

The Bavarian Authors, as well as all the defenders of the regreſſive inheritance, aſſerted now in vain, that the daughter, who had renounced her right, had done it expreſſly upon the condition of reſerving her ſucceſſion in future, in caſe the male branch ſhould be extinct; that the renunciation, therefore, was only conditional, and ceaſed as ſoon as the condition was broken, and the right, which until then was dormant, revived. This concluſion would be very juſt, if the renunciations made by the daughters of Princes were of the ſame nature as the renunciation of a right, which was otherwiſe to be equally enjoyed, until the accompliſhment of any particular event; but here this was not the caſe. In the moſt ancient times, no Princeſs who had brothers could claim the ſucceſſion, ſo long as her brothers, or any of their male deſcendants were living (*a*). Nothing but the apprehenſion, ariſing from the too frequent application of the principles of the Roman Law ſince the thirteenth century, occaſioned the in-

(*a*) Vol. I. p. 15.

troduction

troduction of these renunciations, not, as an opinion prevailed that a daughter was entitled to succeed if she did not formally renounce her right, but only by way of precaution, that such daughters, or their descendants, might be the less induced to advance claims which they could have no pretensions to. In most Houses it was generally settled by particular family compacts, that, notwithstanding any renunciations, daughters and female descendants should always be preceded by the males. CHAP. II.

If the Archdutchess Anna, therefore, when she was married to Duke Albert V, of Bavaria, had made no renunciation, still she would not have had a right of succession so long as any of the male offspring of either of her brothers lived; and supposing even that she made the renunciation only until the extinction of the male descendants, still it could not be on that account pretended, that when this event happened a right revived, which might have been enforced at the time of the renunciation; or rather, that the posterity of this Archdutchess Anna was to take place of all the other female descendants, and even before the daughters of the male heir, who was last deceased.

In short, according to the real principles of the rights of the Germanic Princes, the claims of the Bavarian House were not of such a nature as to invalidate the legality of the Pragmatic Sanction; though at that period many lawyers, who had imbibed the inapplicable

BOOK XI.

inapplicable principles of the Roman code, conſidered the doctrine of regreſſive inheritance in general as thoroughly eſtabliſhed; but here, however, the matter was referred to a very different deciſion than the mere authority of a code of laws.

Maria Thereſia, upon the ſtrength of the Pragmatic Sanction, which was guaranteed by ſo many Powers, as ſoon as her father died, took immediate poſſeſſion of all his territories. She alſo flattered herſelf that her conſort, the Grand Duke of Tuſcany, would have the majority of votes in his favour at the election of an Emperor. At Vienna it ſeemed to be generally thought, and not without the greateſt probability, that the votes of Mentz, Treves, Saxony, and Hanover, were certain; and reckoning the ſingle vote of Bohemia, the election then was gained.

With reſpect to Bohemia, the only difficulty ſeemed to be, whether a female could vote? At leaſt, if Maria Thereſia attended the election as Queen of Bohemia, it would have been the firſt inſtance of the kind. In order to prevent all doubts concerning this, ſhe declared her huſband, Nov. 20, 1740, Co-regent, and that ſhe transferred her right of voting to him. This however only increaſed the difficulty; and while it was in agitation, an unexpected event gave the whole affair a different turn.

The

CHAP. II.

The convention by which Frederick William, Elector of Brandenburg, resigned the pretensions of his House to the four Silesian principalities, Jägerndorf, Liegnitz, Brieg, and Wohlau, was revoked May 31, 1740, by Frederick II, upon his accession to the throne; because he thought that it had been illegally concluded, and that it was therefore not obligatory on the future successors of the House. In order to enforce his claim, in December 1740, he A. C. 1740. marched an army into Silesia; though at the same time he offered, provided a part of Silesia was ceded him, to give his vote at the election of an Emperor to Francis, and support the Pragmatic Sanction. This proposal was made at the Court of Vienna by Count de Gotter, and rejected; upon which the King proceeded on his march, and on the 10th of April, 1741, gained almost a decisive victory at Molwitz. Marshal Belleisle, the Minister from the King of France to the Electoral Courts, and the Electoral convention, succeeded in prevailing upon the Elector of Bavaria to declare himself a candidate for the Imperial dignity; and in order to support that claim as well as his pretensions, in opposition to the Pragmatic sanction, a league was entered into in the month of May, at Nymphenburg, between France, Spain, and Bavaria, and afterwards other alliances formed between the Electorates of Cologne and the Palatinate, Naples, and Prussia.—On the other hand, among all the Powers whose guarantee of the Pragmatic Sanction was called for by Maria Theresia, George II, the King of Great Britain, was the only

BOOK XI. one who was ready to afford her actual aſſiſtance, which he did by a new treaty concluded at Hanover.

In this ſituation of affairs, the ſupport of the Pragmatic Sanction, as well as the Imperial election, had a very different appearance. The pretenſions of the Elector of Bavaria were now ſtrengthened by a powerful army from France. In October 1741, he took poſſeſſion of Upper Auſtria; and on the 19th of December received homage as King of Bohemia; and even the Elector of Saxony joined the French and Bavarian league, Sept. 19, the ſame year. The vote of Bohemia was on this occaſion ſuſpended, as the Congreſs met, for the purpoſe of election, at Frankfort; and the other votes falling unanimouſly on
A. C. 1742. Charles VII. Elector of Bavaria, Jan. 24, 1742, he was crowned on the 12th of February. With reſpect to the Conſtitution of the Empire, the moſt important circumſtances which happened during theſe tranſactions, were the additions made to the capitulation of the Emperor, which were of the greateſt conſequence.

CHAP.

CHAPTER III.

Capitulation at the Election of Charles VII. New Ordinances, particularly respecting unequal Marriages. Diet of the Princes at Offenbach. Electoral Collegiate Rescripts.—1742.

Expected alteration in the capitulation at the Emperor's election—Diet of the Princes called on that account at Offenbach—Opposition of the Princes to several new articles—particularly to one, respecting some advantages granted to the Vicars of the Empire—With other articles the Princes were contented—Such as that which was newly instituted respecting *mésalliances*, or unequal marriages, which was grounded on ancient custom—not only with regard to what are called MORGANATIC marriages, where the inequality of the wife and children in point of rank is acknowledged by agreement—But also where no agreement is made—Against which no elevation of rank, without the consent of the relations of the House, can avail—Other principles seem to militate against this in the common Roman, and Canon Laws—The insertion of this new article in the capitulation was occasioned by the *mésailliance* of Duke Anthony Ulric of Saxe-Meinungen—The article confirmed afterwards by a decree of the Empire—But the exact definition of a *mésailliance* left to some future Act—Particularly whether the marriage of a Prince into a noble family was one—Which, according to the spirit of the Germanic constitution, certainly seemed to be so—Since in the opposite case the most important consequences might be expected—On these and other Collegiate rescripts there have hitherto been no deliberations of the Empire.

AT so important a revolution as this, when the Imperial dignity, after so long a period, was suddenly A. C. 1742.

BOOK. XI.

transferred to another Houſe, and conſidering the various obſervations that were likely to have been made during the laſt reign, which laſted for almoſt thirty years, there could not be any want of matter to ſupply additional articles, and other alterations to the Election Capitulation. The plan of a perpetual Capitulation, which was agreed upon in 1711, could not be any hindrance to the neceſſity which might occur of occaſionally making new articles, as the circumſtances of the times might require. As far as the Electors were not only agreed with the Emperor elect upon the ſubject, but acted likewiſe with the general approbation of the other States, there was nothing to object to; but ſome of the new additions to the capitulation of Charles VI. had already experienced an oppoſition, on the part of the Princes, and other States.

On this occaſion the Princes ſeemed more upon their guard, for before the capitulation was drawn up, they held a particular Diet at Offenbach, in the neighbourhood of Frankfort. Moſt of the Electoral Comitial Envoys were at that time gone in the capacity of ſecond or third Miniſters from Ratiſbon to Frankfort, and it was not yet ſettled how the Diet was to be continued during the Interregnum; the other Envoys therefore at Ratiſbon were almoſt wholly inactive. In order to remedy this, it is probable, that the Envoys of ſome of the Princes propoſed a Diet to their reſpective Courts,

Courts, that they might be nearer the Congreſs, and have a watchful eye over its proceedings, that nothing might be done to their prejudice. Thoſe, who were concerned in the buſineſs were chiefly the Comitial Envoys of the following ancient Princely Houſes, viz. Saxe-Gotha, Saxe-Meinungen, Brandenburg-Anſpach and Bayreuth, Brunſwick-Wolfenbuttel, Heſſe-Caſſel, Heſſe-Darmſtadt, Swediſh Anterior Pomerania, Würtenberg, Baden-Dourlach, Holſtein-Gluckſtadt, and Anhalt; and Rudolphus Anthony von Heringen, the Envoy from Heſſe-Caſſel, had perſonally, perhaps, more ſhare in the buſineſs than any of the reſt As this was not ſo much a Collegiate meeting, as a congreſs on the part of ſeveral Courts, it was alternately held at the houſes of the Envoys, and commenced at Offenbach April 25, 1741. The objections of the ancient Princely Houſes to the Capitulation of Charles VI. were ſent in writing to the Elector of Mentz, October 16; and in November, the ſame year, the Diet itſelf of the Princes was removed to Frankfort. CHAP. III.

Theſe circumſtances, perhaps, were in ſome meaſure the cauſe of the Electors, in many reſpects, adopting on this occaſion another method of forming the capitulation which they had already, and particularly now, found very advantageous. This was, inſtead of determining any thing particular in the capitulation, to draw up a collegiate addreſs in the

BOOK XI.

name of all the Electors, and preſent it to the newly-elected Emperor, requeſting him to lay its contents before the empire, that they might be enacted by a general decree. With this the whole Empire had every reaſon to be ſatisfied; but the Princes were diſpleaſed that an article was at the ſame time inſerted in the capitulation itſelf, by which the Emperor obliged himſelf to put whatever was contained in the Collegiate addreſs (*a*) of the Electors in actual execution.

The real and ſole intent of this was, that the Emperor might not leave the ſubjects recommended to his conſideration, without inquiry; but the Princes were apprehenſive leſt this article, if it was continued in the capitulation, ſhould, at ſome future period, obligate the Emperor to any act which was not generally known. On this account therefore they entered a proteſt againſt it, that they might at leaſt ſecure themſelves from its validity in future.

But this was not the only thing in the capitulation which met with oppoſition from the Princes; for the Electors had retained thoſe articles, which they had already proteſted againſt, in the capitulation of Charles VI, and inſerted likewiſe ſeveral new articles, with which they were equally diſpleaſed. Among theſe was one in particular, by virtue of which the concurrence of the Electors alone, in par-

(*a*) Capitulation 1742. Art. 30. § 3.

ticular

ticular caſes, was requiſite for forming a decree when the matter would not admit of waiting, for deliberation at the General Diet. If this related to ſuch caſes, where the Emperor was obliged to require the concurrence of the Empire in general, ſuch as commencing a war, or concluding a peace, in the name of the Empire, their oppoſition does not appear to have been unreaſonable; but, if it only concerned ſuch caſes where the Emperor before was not under the neceſſity of conſulting any one elſe, it was better then, that the Electors ſhould give their conſent, than that thoſe objects ſhould be left to the Emperor's arbitrary will; or, when it only related to a ſort of previous conſultation, it was certainly better that this ſhould be left to the Electors, than that the affair ſhould be immediately laid before the Empire in general—For inſtance, if the queſtion ſhould ariſe again, Whether a Diet ſhould be held? or, whether a writing ſhould be carried to the DICTATURE? CHAP. III.

Neither were the Princes ſatisfied with the new ordinances reſpecting the Adminiſtrators or Vicars of the Empire; as, for inſtance, that they ſhould have a right to hold diets, whether the queſtion related to their continuation or convention. Upon the whole, circumſtances were on this occaſion uncommonly favourable to the Vicars; ſince, beſides the three Vicarial Courts of Bavaria, Saxony, and the Palatinate, the Elector of Cologne was a Bavarian

BOOK XI.

Prince, and the Elector of Brandenburg a Bavarian ally; and yet, notwithſtanding this, what the new ordinances contained in their favour, was afterwards very far from being actually accompliſhed. With many of the new articles, however, in this Capitulation the Princes were perfectly ſatisfied, and were, in ſome meaſure, the cauſe of their inſertion. One of the moſt remarkable of theſe was, an article reſpecting *méſailliances*, or unequal marriages, which merits a fuller explanation.

Ever ſince the time of the Middle Ages, it had, no doubt, been cuſtomary for a Prince, when he married a perſon of inferior rank, not to conſider her in the light of a Princeſs; neither were the children, born in ſuch wedlock, entitled to princely honours, or capable of ſucceſſion to their Father's territories. If a Prince had ſons already by a ſuitable marriage, and then became a widower, or elſe were induced from other motives to marry beneath his dignity, it was uſual to give the perſon of inferior rank the left hand in the marriage ceremony, that his family might not be over-burdened with the neceſſary proviſion for a widow or younger children. At the ſame time, it was generally previouſly ſettled how ſuch Ladies ſhould be called, which was either after the name of the Prince, as Madame Rudolphina, Madame Erneſtina, or elſe after ſome particular eſtate purchaſed for her uſe, as FRAU VON (*Madame de*) M. N. &c. and a ſettlement was made both for her and her children, as well as an agreement concerning their names.

The

The following inſtance of this, occurs in an ancient Heſſian Chronicle of the 14th century, of a Landgrave of that country. "This Landgrave, "Otho, governed well; and deſired his ſons to hear "the complaints of his ſubjects graciouſly, and not "divide his territory. When his conſort, who was "born a Counteſs of Ravenſberg, died, and he was "no longer able to continue in a ſtate of widow-"hood, he was unwilling to be found ſinning before "God; neither would he marry the daughter of a "Prince, Count, or Lord, that the land might not "be divided among the children of two marriages; "but he rather choſe for his wife a pious virgin "from the family of a private nobleman, and pro-"vided for the children with money, and with "fiefs, and other eſtates, that the Principality might "remain intire (*a*)." In like manner the Elector Palatine, Frederick the Victorious, that he might not injure the ſon of his eldeſt brother, promiſed not to marry any one of equal rank, and eſpouſed therefore Clara Dettin, whoſe iſſue was provided for with the county of Löwenſtein, and educated in a ſuitable manner. Frederick-Lewis likewiſe, Duke of Deux Ponts, was married in the ſame manner to a lady of the name of Heppin, and her ſons were educated as HERREN von (*M. de*) Fürſtenwarter. Rudolphus Auguſtus, Duke of Brunſwick-

CHAP. III.

(*a*) HERT. *de ſpecial. rebuſp.* ſect. 2. § 6. not. 2 *opuſc.* vol. I. tom. II. p. 75.

BOOK. XI. Wolfenbuttel, took a lady of the name of Menthin for his ſecond wife, with the title of Madame Rudolphina. Erneſt, Landgrave of Heſſe Caſſel, married one Dürniczel, under the name of Erneſtina, with many other inſtances. Theſe unequal marriages, with previous agreements, are mentioned even in the feudal laws of Lombardy, where they are called MORGANATIC marriages (*a*), an expreſſion which is certainly of German origin.

Even if no agreement was previouſly made, it was underſtood, that a perſon who was not of ſuitable rank, though married to a Prince, could neither become a Princeſs herſelf, or her children enjoy either the title or right of ſucceſſion. This was the caſe with the Margrave Henry the Illuſtrious, of Miſnia, and Elizabeth de Maltitz; the Archduke Ferdinand of Auſtrian Tyrol, and Philipina Welſerin; Prince Ferdinand of Bavaria, and Maria Pettenbeck, Prince George Aribert of Anhalt Deſſau, with a Lady called de Croſigk, &c. The only exception to this rule was, when the ſons by ſuch unequal marriages were allowed the right of ſucceſſion by the legitimate relations, as was the caſe in

(*a*) This expreſſion has been generally derived from the circumſtance of ſuch Ladies being obliged to be contented with their MORGENGABE, or dowry; but the derivation, given by Möſer, in the Berlin Journal for May, 1784, ſeems more probable, viz. becauſe the children of ſuch marriages only follow the mother, i. e. in low German, NA DER MODER GAN, and contracted, NA DER MOR GAN, or go after the Mother.

the

the Houſe of Brunſwick in 1546 with Otho the younger of Harburg, the ſon of Duke Otho, by a Lady of the name of Metta de Campen. Another inſtance occurs in the Houſe of Baden-Dourlach with the Margrave Charles, whoſe Mother was Urſula de Roſenfeld; and in the Houſe of Anhalt Deſſau, with the iſſue of the marriage of Prince Leopold with Anna Louiſa Föſen, &c.

In the latter inſtance recourſe was had to an elevation of rank conferred by the Emperor, by which Anna Louiſa Föſen, who was only of a Burgher's family, was raiſed to the rank of a Princeſs; and the ſame honour was granted to her children. If the relations of the Houſe, who alone had the right of objecting, were ſatisfied, nothing further could be ſaid; but in other caſes, where objections ariſe on the part of the family, there is no doubt but that the legitimate relations, ſo long as there are none nearer allied, and equally capable of ſucceſſion, remaining, have a right to aſſert their title (*jus quæſitum*) which is ſo well founded, and of which not even an equality of rank conferred by the Emperor, or any other pretext whatever, can deprive them. Theſe principles, in all probability, formerly prevailed, in the Houſes of the Princes and States of the Empire reſpecting unequal marriages, although at that period there might not be any general law exiſting on the ſubject; a circumſtance which proved highly prejudicial to the right thus tranſmitted by cuſtom, partly as it was inconſiſtent

BOOK XI.

which had already happened; but it had certainly been long eſtabliſhed, although only founded on cuſtom before, and was firmly eſtabliſhed by the forms of law. Upon theſe grounds therefore is no doubt, but that the cauſe of Saxe-Meinungen was decided upon the ſame principles, which was proved afterwards by the ſentence pronounced by the Imperial Aulic Council, 1744. Duke Anthony Ulric indeed appealed from that Court to the General Diet; the reſult of which was, a Decree of the Empire, not only confirming the ſentence of the Aulic Council, and impoſing perpetual ſilence on the Duke, but which at the ſame time ſerved to add freſh ſtrength to the above article in the Capitulation, by eſtabliſhing it as a fundamental law.

There was one circumſtance left in this article, which the Electors did not fully determine, as they preferred recommending the matter to the Emperor, for examination at the Diet, to a deciſion on the point themſelves. This was how theſe *méſaillances* were to be determined in ſuch caſes, which might frequently occur, where they appeared dubious. In the capitulation itſelf, they very conſiderately adopted the words UNSTREITIG. NOTORISCHER MISSHEIRATHEN, indiſputably notorious *méſaillances* or unequal marriages; by which was certainly meant that the marriage of a Prince into a Burgher's family, as that of Duke Anthony Ulric's, which was the immediate cauſe of the article, ſhould be conſidered as illegal. Perhaps it was thought

a dubious point, whether the marriage of a prince with a Lady of old nobility, or into the family of a new Count, or Prince of Germany, or any other country, and whether likewiſe the marriage of a Count of the Empire with a Lady of inferior nobility, ſhould be conſidered as a *méſailliance* or not? This was left to be decided afterwards; and the Electors, in their Collegiate addreſs to the Emperor, requeſted him to lay the matter before the Diet as ſpeedily as poſſible, that, as they conſidered it as an affair of great importance, a decree might be paſſed immediately; but, notwithſtanding this, it has been taken no further notice of. CHAP. III.

The inſtances above mentioned contribute every much to explain the real nature of the affair. A tolerably exact line at leaſt may be drawn now with reſpect to the diſtinction which has prevailed for ſo many ages in Germany, between the high and inferior nobility, with reſpect to matrimony. If we conſider the two circumſtances, that a Princeſs, when ſhe is married to a Count of the Empire does not loſe her rank, and that if ſhe is married to a perſon of inferior nobility ſhe does; ſo that the marriage of a German Prince with a Lady of inferior nobility, is as much a MORGANATIC marriage as if he married a *Bourgeoiſe*, or daughter of a Burgher; but not if he marries a Princeſs, or Counteſs of the ſame rank with himſelf; and there is no doubt but that if this cuſtom, which has ſo long prevailed, ſhould ever experience a

BOOK XI.

change, the conſequences would, to the German Princes at leaſt, be fatal.

If it was once admitted that the marriage of a Prince with a perſon of ancient nobility was not a *méſ-aillance*, we ſhould ſoon find that the Princes would more frequently marry perſons of that rank, than thoſe who are born Princeſſes; at leaſt they would have a much greater choice among the latter: and how many Princeſſes would then remain unmarried! Beſides it is a queſtion, whether the preference, which has been hitherto given to the Princely rank in Germany, ſo that Monarchs think it no degradation to take Princeſſes from German Houſe for their conſorts, would continue long, if there was any danger of their being connected with people of inferior nobility. On the other hand, younger ſons of Princely families, who are ſeldom able at preſent to meet with ſuitable matches, would certainly more frequently marry ladies of inferior nobility; and if their daughters were to claim the dowry raiſed in moſt countries by a tax, and till now ſolely appropriated to the uſe of thoſe born in equal marriages, the German territories might be ſure of thoſe taxes being levied often enough; not to mention the many other conſequences, ſuch as nepotiſm, (attachment to nephews) &c. which muſt neceſſarily occur to every one ſeriouſly conſidering the ſubject.

Unequal

CHAP. III.

Unequal marriages were not the only object which was ſubmitted to the attention of Charles VII. in the Collegiate Electoral reſcript, and not decided. Many of the articles of the Capitulation reſt in the ſame ſtate they were in, when they were firſt inſerted, even now. Thoſe that have come into diſcuſſion ſince will be more properly taken notice of in the ſequel of the hiſtory.

CHAP-

CHAPTER IV.

Remarkable Events during the Reign of Charles VII. 1742——1745

Short as this reign was, it was fruitful in events of great importance—The Pruſſian power in particular was conſiderably augmented by the addition of Sileſia and Eaſt Frieſeland—Eiſenach devolves to the Houſe of Saxe-Weimar—and Siegen to the Houſe of Orange-Naſſau—although claims were laid to the latter by another pretender—The Houſe of Holſtein-Gottorp's proſpect of ſucceeding to the thrones of Sweden and Ruſſia—Decree of the Empire in favour of the Houſe of Heſſe-Caſſel, confirming its poſſeſſion of the County of Hanau—as well as its unlimited privilege *de non appellando*—Several new Princes created by the Emperor—Many other changes, which were further expected in the conſtitution, prevented by the Emperor's death.

THE Emperor, Charles VII. was ſcarcely three years in poſſeſſion of the Imperial Throne; but his reign was crowned with remarkable events, which had no ſmall influence upon the conſtitution of the Empire.

The fate of the Pragmatic Sanction was not wholly decided, but the fortune of war during all this time had given the hopes of the Bavarian Houſe, though ſup-

ported by ſo many and ſuch powerful allies, but little encouragement. The King of Pruſſia was the only one to whom Maria Thereſia had made conceſſions, and to that Prince ſhe was obliged by the peace of Breſlau to cede all Lower, and a conſiderable part of Upper Sileſia, together with the county of Glätz. This ſacrifice enabled her to unite her whole force againſt her other enemies; and when her hopes were again fruſtrated by the King of Pruſſia's envaſion of Bohemia, it was doubtful after all, whether the peace of Breſlau could be conſidered as valid, eſpecially as the power of the Houſe of Brandenburg was almoſt doubly encreaſed thereby, and rendered more able to preſerve the balance againſt the Houſe of Auſtria in Germany.

During this reign, the Houſe of Brandenburg acquired an additional ſtrength likewiſe by the principality of Eaſt Frieſland, which the King took poſſeſſion of May 25, 1744, on the death of the laſt Prince, in conſequence of a reverſion granted by the Emperor, Joſeph I. Dec. 10, 1694; though the Elector of Brunſwick-Luneburg likewiſe put in his claim for it, by virtue of a Pact of Confraternity, entered into March 20, 1691.

Two other Princely houſes, or at leaſt two reigning branches of them, were already extinct, and contributed therefore to leſſen the number of reigning Princes of the Empire. One of theſe was William Henry, Duke of Saxe-Eiſenach, who died July 29,

BOOK XI.

1741, and was the laſt of his line. In conſequence of this, the territory belonging to the line of Eiſenach, together with the voice in the College of Princes annexed to it, was united to the Houſe of Saxe-Weimar, except the county of Altenkirchen, which, as John George, the grand father of the late Duke, brought into his family by marrying a Counteſs of Sayn, devolved to the Margrave of Anſpach, becauſe the conſort of his grand-father the Margrave John Frederick was a daughter of John George Duke of Eiſenach. A daughter of the Margrave John Frederick of Anſpach was the conſort of George II. of England; ſo that, on the extinction of the Houſe of Anſpach, the county of Altenkirchen devolves to the Houſe of Hanover *.

The other Prince, who was the laſt of his line, was William Hyacinth of Naſſau-Siegen. He died Feb. 18, 1743; and his territory, as well as vote in the College of the Princes, devolved to the Houſe of Naſſau-Orange. John Francis, the father of William Hyacynth, had another ſon, Emanuel Ignatius; but he was born in an unequal marriage with Iſabella Clara Eugenia de la Serre; and it was agreed

* Altenkirchen in the circle of Weſtphalia, contains the prefecturates of Altenkirchen, Freuſburg, Fridewald, and Bendorff. The revenues at preſent are not very conſiderable, but capable of great improvement.

in

in their marriage articles, that her children ſhould only be private Noblemen. Notwithſtanding this, though the relations of the Houſe of Naſſau proteſted againſt it, this Emanuel Ignatius aſſumed the title of Prince of Naſſau-Siegen, and in May, 1711, married Catharine Charlotte, a daughter of Lewis de Mailly, Marquis de Neſle. This Lady left her huſband in 1715, but on the 23d of November, 1722, produced a ſon, Maximilian William Adolphus, and pretended that her huſband had been reconciled to her that very year, and paid her a viſit, though it was but for a ſhort time, at Paris. This Maximilian William Adolphus appeared afterwards as a pretender to the territories of Naſſau-Siegen, and ſubmitted his cauſe to the Aulick Council, where ſentence however was pronounced againſt him, Auguſt 5, 1746. The Parliament at Paris, on the contrary, paſſed ſentence in his favour, in 1756; in conſequence of which his ſon, Charles Henry Nicholas Otho, who was born to Maximilian William Adolphus, by Maria Magdalena Amelia, a daughter of Nicholas de Monchy Marquis de Senarpont, January 9, 1745, at Paris, and is ſtill living, was acknowledged as Prince of Naſſau Siegen. This Charles diſtinguiſhed himſelf by accompanying Mr. de Bouganville on his voyage round the world, in the year 1766, till 1769; and ſince that by his unſucceſsful attack on the Iſland of Jerſey in 1779.— At laſt, in the year 1780, February 22, he married a daughter of Bernard de Godzky, who

CHAP. IV.

BOOK XI.

was divorced from Prince Janus of Sanguſzko, in Poland *.

At this period likewiſe, the conſequence of the Houſe of Holſtein-Gottorp, was conſiderably raiſed by two of its Princes, being deſigned as ſucceſſors to the thrones of two northern countries. Charles Peter Ulric, or, as he was called after he embraced the Greek religion, Peter Feodorowitz, was declared Great Duke, and ſucceſſor to the Ruſſian throne, Nov. 18, 1742; and Adolphus Frederick, heir to the Crown of Sweden, July 4, 1743.

The laſt houſe, that was at this period conſiderably advanced, was that of Heſſe Caſſel. At the concluſion of the reign of the late Emperor, Prince William of Heſſe Caſſel, on the death of the laſt Count of Hanau, March 28, 1736, (his eldeſt brother, who was then King of Sweden, having transferred his right to him), took poſſeſſion of the county of Hanau, as a deſcendant from Amelia Elizabeth, Counteſs of Hanau-Munzenberg; and beſides this, not only a pact of confraternity had been concluded between Heſſe Caſſel, and Hanau; in 1643, but by a treaty with the Elector of Saxony, in 1728, which the Emperor confirmed, the claims of the Elector of Saxony to the Imperial fief of Hanau-Munzenberg,

* This Prince is at preſent in the ſervice of the Empreſs of Ruſſia, and has lately particularly diſtinguiſhed himſelf in a victory over the Swediſh fleet.

as

as a meſne fief of the Electorate, were entirely re- CHAP. IV.
ſigned. In oppoſition to this, the hereditary Prince of Heſſe-Darmſtadt, who had married a daughter of the laſt Count, laid claim to the perſonal property, and the Bailiwick of Babenhauſen. The Elector of Mentz alſo laid claim to the Free Tribunal of Alzenau, at the foot of the Mountain of Welmitzheim, which he formerly held in common with Hanau. Both theſe caſes were referred to the Imperial Chamber, upon which Heſſe-Caſſel appealed to the Court of Auſtregues. To this the Chamber paid no attention. The Landgrave appealed therefore to the Diet, and in June and July, 1743, procured a Decree, that the conteſted affair of the Hanau Succeſſion, ſhould be referred to a Court of Auſtregues, of the Princely Houſe of Heſſe. Beſides this, the Emperor Charles VII. conferred an unlimited privilege *de non appellando* on the Houſe of Heſſe-Caſſel, December 7, 1742, in conſequence of which, a new high Court of Appeal was eſtabliſhed in the City of Caſſel, November 26, 1743.

During this ſhort reign, likewiſe, the Emperor created the new Princes of Stolberg-Gedern, Solms-Braunfels, Hohenlohe-Schillingsfurſt, Hohenlohe-Bartenſtein, Hohenloe-Pfadelbach, and Iſenburg-Birſtein, without any alteration taking place, either at the Diet, in the Circles, or among the Counts.

If this reign had been of long duration, many alterations might have been expected of various kinds.

BOOK XI.

The Vienna writers would then have found it difficult to have attributed ſo much power to the Emperors, as they have done both before and ſince. In partilar, it is highly probable that the connection between Germany and Italy would have long continued on its former footing, as the Bavarian Houſe itſelf had nothing ſubſtantial in Italy, and therefore could not enforce the Imperial authority; but the premature deceaſe of the Emperor gave the whole ſtate of affairs a different turn.

CHAP

CHAPTER V.

Remarkable Events on the Acceſſion of the Emperor Francis I. to the Throne. 1745.

Peace of Fueſſin, between Auſtria and Bavaria—Election and coronation of Francis I.—Admiſſion of the Bohemian Envoy to the Diet, without further heſitation reſpecting the electoral vote of a female—Articles of peace of Dreſden and Aix la Chapelle—Both without the participation of the Empire—except that the Empire guaranteed the peace of Dreſden—but with reſervation of its rights reſpecting Sileſia—The Empire only grants a ſubſidy to the Emperor, and offers its mediation.—New queſtions and ordinances, reſpecting the continuation of the aſſociation of the anterior circles—regulations reſpecting the alternate poſſeſſion of the Rheniſh Vicariate—Renewal of the former connection between the Imperial Crown and the Houſe of Auſtria—The difficulty removed thereby reſpecting the archives of the Imperial Aulic Council—as well as the change of that Court under different Emperors—and the offices of Vice Chancellor and Referendary of the Empire.

CHARLES VII. but a ſhort time before his death, had declared his ſon Maximilian Joſeph, to be of age, within a few months of the expiration of his eighteenth year, which was the time fixed by the Electors. This Prince was ſoon perſuaded to put an end to the war which his father was engaged in.

BOOK XI. Articles of Peace were ſigned at Fueſſin, April 22, 1745, by which he agreed to return to his paternal territory, and reſign all the claims which oppoſed the Pragmatic Sanction. He promiſed likewiſe, not only to acknowledge the vote of Bohemia, but even to give his voice in favour of the Election of the Grand Duke of Tuſcany to the Imperial Throne.

Maria Thereſia, it is true, was ſtill at war with the Pruſſians in Bohemia and Sileſia; France, in the Netherlands; and with France, Spain, and Naples, in Italy; but with reſpect to the election of an Emperor, every circumſtance ſoon became favourable to her Conſort. There was not much alteration made on this occaſion in the Capitulation. The election took place Sept. 13, 1745, and Francis was crowned Emperor, Oct. 4. His Conſort attended him to Frankfort; but though there was ſome expectation that ſhe would have been crowned likewiſe, as the Conſort of the late Emperor was, on the 8th of March, 1742, that ceremony did not take place, becauſe ſhe was pregnant.

One of the moſt remarkable circumſtances attending this election was, that an envoy was admitted with full powers from Maria Thereſia, in quality of Queen of Bohemia, without any heſitation; by which the point was fully ſettled, that an electoral female voice is valid.

The two Envoys from the Electors of Brandenburg, and the Palatinate, left Frankfort, before the

the Election was determined; but, according to the Golden Bull, this could not prevent the others from proceeding; and as peace was ſoon afterwards concluded with the King of Pruſſia on the 25th of December, 1745, nearly on the ſame terms as that of Breſlau, both Courts, by virtue of an expreſs article, withdrew their proteſts. All other hoſtilities were afterwards put an end to by the peace of Aix la Chapelle in 1748, where the Miniſters of Great Britain, France, and the United Provinces, had already ſigned the preliminaries on the 30th of April. The Peace was not wholly concluded till the latter end of October, when the Court of Vienna acceded to it; and the Pragmatic Sanction was at laſt fully eſtabliſhed, except a ſingle point, which was, that Don Philip, a younger ſon of Philip V. King of Spain, ſucceeded to the Dutchies of Parma, Placentia, and Guaſtalla.

CHAP. V.

A. C. 1745.

A. C. 1748.

As the Germanic Empire had taken no active part in the war, it could not be conſidered as a party concerned in the peace. There ſeemed, however, one objection to this, that it was thought neceſſary in the negociation of the Quadruple Alliance in 1720, to refer the favourite article concerning Tuſcany, Parma, and Placentia, for the approbation of the Diet; but at preſent, when the new articles were inſerted in the peace of Aix la Chapelle, reſpecting Parma, Placentia, and Guaſtalla, the ratification of the Diet was not thought of, and to the beſt of my know-

BOOK XI. knowledge the Emperor has never granted an inveſtiture of thoſe countries ſince.

One of the conditions made by the King of Pruſſia in the Peace of Dreſden was, that an attempt ſhould be made to procure the guarantee of Empire. This was accompliſhed afterwards by a decree, May 14, 1751, but with the inſertion of this clauſe "with the reſervation *jurium Imperii.*" As Sileſia was formerly incorporated with the kingdom of Bohemia, perhaps a doubt might ariſe, whether this incorporation could be annulled without the concurrence of the Empire, as it had already been done by the Emperor Charles VII. as king of Bohemia, and afterwards in the peace of Breſlau. The above clauſe was probably inſerted that there might be no infringement of the rights of the Empire. The King of Pruſſia, however, immediately after the Peace of Breſlau, aſſumed the titles of SOVEREIGN DUKE OF SILESIA, and SOVEREIGN COUNT OF GLATZ, which have never been denied him by the Chancery of the Empire.

The only meaſure adopted at the Diet, was a grant of fifty Roman months in October, 1742, in conſequence of a commiſſional decree iſſued March 28, 1742, in which Charles VII. applied for a ſubſidy of money, on account of the impoveriſhed ſtate of his hereditary dominions. The Empire moreover declared its conſent to become a joint mediator with the Maritime powers, between the parties then

engaged in war, in a reſolution, May 10, 1743, though this was not put in Execution. CHAP. V.

Both parties were very zealous in their endeavours to eſtabliſh an ASSOCIATION OF THE CIRCLES. The Court of Vienna wiſhed it becauſe the anterior Circles had hitherto aſſociated in its favour, againſt France; the Court of Munich, becauſe the Emperor had hitherto had the aſſociation on his ſide alone. When the Court of Vienna had recourſe to this argument in the reign of the Emperor Francis, the affair came again into agitation, and at laſt the queſtion was debated, "Whether the aſſociation of "the Circles ſhould continue in time of peace?" This was paſſed in the affirmative; but the effect to be produced, and how it was to be put in execution, was referred to future diſcuſſion. The affair has remained undecided ever ſince; eſpecially as the circumſtances with reſpect to Auſtria and France were evidently changed by the peace of Aix la Chapelle; ſo that, as long as that peace continues in force, there can be no apprehenſion of any war between thoſe powers, and of courſe therefore the former grand object of the aſſociation exiſts no more; but if at any future period circumſtances ſhould be changed again, this aſſociation of the Circles would probably be revived.

Soon after the death of Charles VII. new regulations were made concerning the Rheniſh Vicariate. The two Courts of Munich and Manheim agreed to

BOOK XI.

to exercise the office in future alternately, instead of holding it in common, as was determined in 1724; and Munich, on the present occasion, enjoyed the precedency. The electoral College expressed its approbation of this measure in the Capitulation of Francis I, and recommended this agreement to the approbation of the Empire, which afterwards followed in a resolution of August 7, and received the Emperor's assent August 21, 1752. Since that period, however, circumstances have changed again, owing to the extinction of the Bavarian House, so that at present there can be only one Rhenish Vicariate.

At the accession of Francis I. to the Throne, almost every thing else which respected the Imperial Court was restored to the same state in which it was during the reign of Charles VI. An essential difference, it is true, appeared in the government of the hereditary dominions of the House of Austria not being vested as formerly in one person; but the near relation in which Francis and Maria Theresia stood, as husband and wife, rendered this distinction almost imperceptible. At least there was now a prospect of both governments being again united, at some future period, in the person of a descendant of this sublime pair. From this period the political interests of the Imperial and Austrian government seemed to flow in the same channel; and from this period likewise the Austrian Historians resumed the defence of their old principles, which, if the Imperial title had continued longer at

Munich, they would probably not have advanced and maintained with their former zeal. CHAP. V.

One difficulty, which could not wholly be removed in the reign of Charles VII, and which in the ſame circumſtances will probably always occur again, vaniſhed of itſelf as ſoon as the Imperial Court was again ſettled at Vienna. In former times they were not ſo cautious in ſeparating the regiſters and archives uſed in the buſineſs of the Imperial and Auſtrian governments as they are at preſent. When the Emperor's Court, therefore, was removed from Vienna to Munich, it was very naturally propoſed to remove likewiſe the archives of the Aulic Council. This the Court of Vienna ſcrupled to comply with, not merely becauſe it would not acknowledge Charles VII. as Emperor, but principally on this account, that a ſeparation muſt have been firſt made between the writings relating to Auſtria, and thoſe which concerned the Empire. A commiſſorial Decree, however, was iſſued to the Empire, May 13, 1742; and in October the ſeparation was begun at Vienna. Other difficulties now aroſe, among which was the raiſing a fund ſufficient to defray the expences of the tranſport of ſuch an immenſe quantity of papers, ſuch as Documents, &c. But theſe difficulties were removed of themſelves, as every thing could remain now in its former place.

Another

BOOK XI.

Another alteration was occaſioned by the change of government, which had been hitherto unuſual reſpecting the Aulic Council. It is true this exiſts no more on the deceaſe of an Emperor; but, as long as the Imperial dignity continued uninterruptedly in the Houſe of Auſtria, the Aulic Council was generally ſupplied, on the acceſſion of a new Emperor, from the former members. Charles VII. on the contrary, found himſelf under the neneceſſity of appointing others, becauſe ſome of thoſe who had held the office before at Vienna were not engaged by the Court of Bavaria, and ſome of them were not diſmiſſed from the Court of Auſtria. The ſame circumſtance again occurred under Francis I. when thoſe were not re-appointed who had been in the ſervice of Charles VII; but ſome of thoſe who ſtill lived upon the ſpot were reſtored to the places they had before enjoyed in the reign of Charles VI. This was particularly the caſe with the Count of Wurmbrand, the preſident of the Aulic Council, who has ſat upon the bench upwards of fifty years.

It was the ſame caſe with the very profitable office of VICE CHANCELLOR OF THE EMPIRE, which, though in the gift of the Elector of Mentz, is vacated at the death of every Emperor. In the latter part of the reign of Charles VI. this office had been already occupied by Rudolphus Count of Colloredo. In the reign of Charles VII. it was given to a Count of Königsfeld; in that of Francis, again to Colloredo, who

CHAP. V.

who was created Prince in 1764, and ſtill enjoys his place *. In fact, the Vice Chancellor of the Empire is the only Miniſter of State in the ſervice of the Emperor, in his Imperial capacity. He alone can make all the propoſitions in the concerns of the Empire to the Emperor, according to the Capitulation; and whatever the Emperor ſigns in his Imperial capacity muſt firſt be counterſigned by the Vice Chancellor. This renders it the more extraordinary, that the Emperor ſhould not, in this inſtance, be at liberty to nominate his own Miniſter. The Elector of Mentz, it is true, is not very likely to obtrude a man upon his Imperial Majeſty in that poſt againſt his will; yet, notwithſtanding this, it is the expreſs order of the Capitulation, that the Emperor ſhould by no means infringe the right of the Elector of Mentz of diſpoſing of the office, nor throw any obſtacle in his way (*a*). In the reign of Leopold, in 1705, it happened, however, that the Elector of Mentz promoted his nephew, Frederick Charles, Count of Schönborn, to this office againſt the will of the Imperial Court, when he was ſcarcely twenty years of age. The office is very profitable, becauſe all the fees and perquiſites belong to it. At the late changes, it is ſaid, that the perſon who was newly appointed reimburſed his predeceſſor a conſiderable ſum, which he paid upon ſucceed-

* Count Colleredo is ſince dead, and the office is conferred on Baron Dalberg.

(*a*) Capitulation, Art. 25. § 1.

BOOK XI. ing to the office. One of the most important offices next to that of the Vice Chancellor, is the office of REFERENDARY of the Empire, who is appointed as his assistant by the Elector of Mentz. It is the place of this officer to execute such business at the Imperial Court as does not immediately belong to the Aulic Council, to draw up instruments, and even counter-sign them before the Vice Chancellor, and in conferences on affairs of the Empire, to open the debate. This office has been occupied since the year 1765 by Francis George de Leikam, who was formerly Assessor of the Chamber at Wetzlar.

CHAP-

CHAPTER VI.

Tranſactions at the Diet, concerning appeals and ceremonial diſputes. 1745—1748.

Appeals frequently made from the decrees of the Imperial Courts of Judicature to the Diet—but it was difficult to determine in which caſes they were right—Four appeals made againſt the Imperial Chamber, which occaſion the queſtion, whether the chamber ſhould not be firſt required to give a report?—An apparent majority againſt it—but in fact more in favour of the queſtion—An appeal in the cauſe of Gleichen, from Saxe-Meinungen in particular, ſoon evinced that even the facts, as related in the writings of the Princes, were not always to be depended upon—An appeal from the Palatine Electorate obtains a favourable deciſion among the Electors—but the hopes of obtaining a ſimilar decree from the Princes fruſtrated—Decree of the Empire unfavourable to an appeal of Anthony Ulric, Duke of Saxe-Meinungen, reſpecting the capability of ſucceſſion of his ſons, who were born in a *meſailliance*—The ancient diſpute concerning rank revived between the ſpiritual and ſecular Princes, at the firſt dinner given by the Prince of Taxis, when he was made Principal Commiſſary—In conſequence of which, there were ten ſucceſſive publications on the ſubject from the Miniſters of Heſſe-Caſſel, Heſſe-Darmſtadt, Bamberg, the Counts, Holland, and Bavaria—Their chief contents.

THE moſt important occurrence at the commencement of the reign of Francis I. was the meaſures adopted in conſequence of the appeals to the Diet,

BOOK XI.

among the Envoys themſelves as well as at the different Courts. It ſeemed to have imperceptibly become a general cuſtom, if a State had experienced an unfavourable ſentence, either from the Imperial Chamber, or from the Aulic Council, to have recourſe to the Diet, and, if poſſible, to procure a reſolution of the Empire, by which the Emperor was requeſted to ſuſpend or change it.

If the Emperor and Empire find a cauſe to be of ſuch a nature, that the Court of Judicature has evidently treſpaſſed beyond the bounds of its power, there certainly can be no objection to the ſupreme power adopting ſuch meaſures to inform a Court of Judicature, which is otherwiſe the ſupreme and laſt reſort, that it is not wholly independent of the legiſlative power and its ſupreme inſpection. According to the ſingular form of adminiſtration of juſtice in Germany, this appears to be of double importance, as the legal method by which the decrees of the Chamber were formerly ſubjected to the reviſion of other Judges, had not been in practice for two hundred years, and becauſe in the Aulic Council, there were no means of a caſe of grievance being put into any other hands whatever. On this conſideration therefore, it might very well happen, that parties, who brought their complaints againſt this or the other Court to the Diet, occaſionally procured a reſolution in their favour. This was frequently the caſe at the beginning

ginning of the preſent century (*a*), though the reſolutions were not ſo fortunate as to procure the Emperor's aſſent; but one of the moſt important inſtances was an appeal of the Houſe of Heſſe-Caſſel during the former reign, when the reſolution of the Diet was confirmed by his Imperial Majeſty, and became a formal decree of the Empire (*b*).

Notwithſtanding this, it does not follow from theſe inſtances, that every one who thinks himſelf aggrieved by an Imperial Court of Judicature, has an indiſcriminate right of demanding an inquiry into his grievance at the general Diet, unleſs the Diet was converted into a formal Court of Judicature, and the ſupreme tribunals of the Empire deprived of their right of being conſidered as the higheſt and laſt reſorts, or, which is juſt the ſame, the boundaries of the legiſlative powers and the higheſt offices of

(*a*) The following reſolutions were paſſed in favour of Wurtzburg: April 18, 1704, againſt Wigaud, an Aſſeſſor of the Imperial Chamber; June 4, 1704, for the Duke of Würtenberg, the Counts of Caſtell, againſt the Free Nobility; April 7, 1705, for Heſſe-Caſſel, againſt the county of Rittberg; July 14, 1706, for the Houſe of Brandenburg, in the cauſes brought before the Aulic Council during the ceſſation of the Imperial Chamber; June 14, 1709, for Naſſau-Ottweiler againſt Naſſau-Idſtein; October 7, 1709, for the Counteſſes of Pöttingen and Kirchberg; May 8, 1714, for the Biſhop of Augſburg, in a criminal proceſs carried on by the Aulic Council againſt two brothers of the name of Lottich.

(*b*) See p. 36, 37.

BOOK XI.

juſtice confounded with each other. To every perſon who reflects upon the ſubject, it muſt appear a very dangerous thing, if ever the adminiſtration of juſtice ſhould be ſo circumſtanced, that ſeveral ſtates ſhould have appeals in their own cauſes depending at the ſame time, and mutually aſſiſt each other in order to procure a majority of voices in the ſupreme colleges of the Empire (*a*). In ſhort, the Diet itſelf is not by any means calculated to inquire into caſes of law, as the comitial Envoys are by no means bound, like the members of a tribunal of juſtice, to give their votes after due examination into the merits of the cauſe, but as they are ordered by their reſpective Courts, and every Court generally directs its Envoy give his vote according to its own convenience.

On this account it was very conſiderately inſerted, in the Capitulation at the election of Charles VII. that "the appeals which were made to the Diet, in "conſequence of the failure of the viſitation, ſhould "be limited (*b*):" but as inſtead of this, the late inſtance, even in the reign of Charles VII. of the Heſſe-

(*a*) Thus for inſtance, in the year 1750, we meet with the following extract from the reſcript of a Prince: Having thought good to ſend our Privy Counſellor to his highneſs the elector of Cologne, at Mergentheim; and recommended our affairs to his attention, to which he ſent us a favourable anſwer, but requeſted of us in return our ſupport in his caſes of appeal; we have therefore this day given orders to our Privy Council, and comitial Envoy, to make a point of ſupporting all the caſes of appeal of the Elector of Cologne without exception.

(*b*) Mosers State archives, 1751; vol. I. p. 157.

Caſſel

Caſſel appeal, gave them greater encouragement, their number have been conſtantly increaſing. In the very firſt year of the reign of Francis I. four appeals from the Palatine-Electorate, Saxe-Weimar, Anhalt-Cothen, and Salm, which had been brought before the Diet in the former reign, againſt the Imperial Chamber, were very zealouſly diſcuſſed. CHAP. VI.

On this occaſion a new queſtion aroſe, whether a REPORT ought not to be required from the chamber, before the Diet proceeded to a deciſion on the cauſe? Nothing certainly could be more equitable than that the general principle of never condemning any one unheard, ſhould be equally attended to by this high tribunal, leſt its deciſion ſhould be unjuſtly condemned before the arguments upon which they are founded are heard. This likewiſe was analogous to the cuſtom of other Tribunals, as no Judge in a Court of Appeal can reverſe the ſentence of an inferior Court, without a previous hearing of the grounds of deciſion, and a report of the proceedings. It was juſtified alſo by the method obſerved in the Chamber itſelf, where the Aſſeſſor, who has been Referendary at the firſt trial, is admitted to defend his own decree in the Senate of Reviſion; or at leaſt the relation, or ſtatement of the caſe as delivered before, and the votes of the firſt Senate, are reviſed by that Court. In many caſes of appeal to the Diet, it had been uſual to require a report of the proceedings from the Chamber, or at leaſt where this had been neglected, the appeal was immediately diſmiſſed, or elſe left

BOOK XI.

without examination. The caſe of Heſſel-Caſſel was the only one in which this method was not adopted, and even here the college of the cities proteſted againſt the omiſſion, and it was expreſſly declared by the whole Diet, that it ſhould not be conſidered as a precedent in future.

It ſeems probable that thoſe who drew up the four appeals above mentioned, did not wiſh that the report of the Chamber ſhould firſt be heard, as many circumſtances would then perhaps have been placed in a different point of view from that in which they had been repreſented in their partial accounts. One of the Envoys of the Diet (*a*), therefore, who had particularly diſtinguiſhed himſelf as a zealous and learned advocate in favour of theſe appeals, took up his pen in defence of the poſition, that no report from the Chamber was neceſſary (*b*). His chief argument was

(*a*) Rudolphus Anthony von Heringen, Envoy from Saxe-Weimar, and Eiſenach, from Brandenburg-Culmbach, and Onolzbach, and entruſted at the ſame time with the votes of Holſtein-Gottorp, Lubech, Baden-Durlach Hochberg, Henneberg, and Oſtfrieſland. Beſides this, he was Privy Counſellor of Heſſe-Caſſel, and delivered the vote of that Court at the diet of the Princes at Offenbach. See PUTTER's Literature of the public law, vol. II. p. 145.

(*b*) The publication appeared under the title, "Examination of "the queſtion, whether a report could be demanded from the "Chamber in appeals?" (1746) and is diſtinguiſhed by a very general eſtabliſhment of all appeals, which begins in the following tone. "Whoever is acquainted with the Germanic hiſtory muſt know, that formerly, before the erection of the chamber, every

was founded upon cuſtom, in ſupport of which he adduced the caſe of the appeal of Heſſe-Caſſel, and other caſes, which were rejected without any ſuch report being heard. He flattered himſelf that his work would enable him to triumph over thoſe whom he pretended were now eſtabliſhing the firſt precedent of requiring a report from the Chamber, upon theſe four caſes, and urged, among other reaſons, that the word of a Prince ought not to be of more value than that of the Aſſeſſor of the Chamber, who made the report. CHAP. VI.

But theſe four caſes, which were certainly not at all invalidated by that which the Diet had de-

every Emperor had a ſort of Aulic Court, which is ſupplied at preſent by the Aulic Council, at their reſidence; that this Juriſdiction only took cognizance of the cauſes of perſons of inferior rank, and not of thoſe of Princes and States, which could only be tried by perſons of the ſame rank at the Diet. In proof of this the Author appeals to the Ordinance of the Emperor Ferdinand II. in 1236, Rudolphus I. in 1291, Albert I. in 1438, and Sigiſmund in 1446; then to the conſtant practice in conſequence of theſe ordinances; and he maintains that the Imperial Chamber was only erected when there was no Diet; and that the States therefore had reſerved the nomination of the Aſſeſſors, as their Repreſentatives."—"It follows of courſe," he continues, "from this known hiſtory of facts, that the power and juriſdiction of the Chamber was delegated, and ſubject to the direction and inſpection of the Supreme Head and States of the Empire aſſembled; that it could either be increaſed or reduced as they pleaſed, and that at all events in caſes where the Chamber paſſed beyond its bounds, the ordinary appeal might be made to the Diet as, *conſtituente et delegante ordiniſque præſcripti cuſtode*, by another *con conſtituente, et condelegante.*" The whole compoſition is printed in KÖNIG'S *ſelectis juris publ. noviſs.* Vol. 15, p. 4. 28.

BOOK. XI.

clared, ſhould not be conſidered as a precedent, were with great propriety oppoſed to the cuſtom he attempted to prove; and as to his other arguments, it was evident to every one, that there was the ſame relation between the State that appealed, and the Chamber, as between the parties at law and the Judge, where the latter has always greater preſumption in his favour than the former; beſides which, the reſpect which ought to be paid to the word of a Prince could not by any means come into conſideration, as the writings are not drawn up perſonally by the Prince, but by his Council. It was not long, however, before a caſe occurred, which placed the whole of this matter in a clearer point of view.

Anthony Ulric, Duke of Saxe-Meinungen, had taken a Counteſs of Hohen-Solms, who married one of his Secretaries, under his protection, appointed her huſband one of his Counſellors of Government, and allowed her to take place of all the ladies of his Court, as a Counteſs by birth. A lady of the name of de Gleichen, who would not acknowledge her precedency, ſhowed ſeveral anonymous letters upon the ſubject to her friends. The Duke committed her to priſon and commenced a proſecution againſt her, alledging that ſhe was guilty of a libel, and made herſelf ſubject to the puniſhment inflicted by the Saxon law, called the DUELLMANDAT. Madame de Gleichen inſtituted a ſuit againſt his Highneſs in the Imperial Chamber; and that her perſon might be more

CHAP. VI.

ſecure, the Duke of Gotha was ordered to take her under his protection. A Baron de Diemar, who carried on the cauſe for her, and had on that account been inſulted by the Duke of Saxe-Meinungen, brought an action againſt him likewiſe for defamation, upon which the Chamber iſſued a citation with the common forms of law. The Duke immediately publiſhed a ſhort memorial, in which he ſtated to the Diet, that the Chamber had ſent him his ſentence, by which he was condemned, without any hearing, to make an apology to de Diemar, and alſo to pay a fine of ten-thouſand dollars; but it very ſoon appeared that the Duke had miſtaken a mere citation for a decree. In this caſe therefore the preſumption in favour of the word of a Prince proved erroneous. A more forcible refutation of the above aſſertion, that reports from the Chamber were not neceſſary, could not have been produced; a circumſtance not very advantageous to that ſyſtem of appeals to the Diet, which many of the Courts of Germany at that time ſeemed ſo much inclined to favour (*a*).

In an appeal, which the Elector Palatine made on account of an arbitration ordered by the Aulic Council, in an action brought by the Knights of the Empire concerning the Lordſhip of Zwingenberg, the Electoral College decreed by a majority of voices in favour of the Elector; but when the Electoral

(*a*) M. DE HERINGEN publiſhed remarks upon this appeal, in which he condemned all the parties together.

Envoys,

BOOK XI.

Envoys, after having finiſhed their own deliberations, expected to deliver their votes the ſame day in the College of the Princes; they found that the Auſtrian Directorial Envoy, had propoſed beginning the vacation ſooner than uſual. This occaſioned a diſpute whether the proceeding was lawful, or whether the Envoys of the Princes ought not rather to have waited for the return of thoſe ſent by the Electors; but the Auſtrian Ambaſſador replied, that it was not to be expected that the Envoys of the Princes would poſtpone their deliberations, becauſe ſome of the Princes had entruſted their votes to perſons employed in the Electoral College, eſpecially as every Court ought in juſtice to appoint its own Envoy, as thoſe of Vienna and Munich always did. The affair never came to deliberation in the College of the Princes, and the appeal therefore was never decided upon.

Another appeal, which was made about this time by Duke Anthony Ulric of Meinungen, in conſequence of a decree paſſed by the Aulic Council, Sept. 25, 1744, againſt the ſucceſſion of his ſons, came into agitation at the Diet; the reſult of which was an unfavorable reſolution paſſed July 24, 1747, and confirmed as a decree of the Empire by the Emperor, on the 4th of September following. By this event that article of the Capitulation againſt notorious *meſailliances* was fully eſtabliſhed. The Duke however, that he might deprive the relations of his Houſe of the advantages they expected

pected to derive from the decree, married a lady of ſuitable birth in the year 1750, by whom he had ſeveral ſons and daughters. CHAP. VI.

Beſides the buſineſs of appeals, an event took place at this place which ſuddenly gave birth to a variety of diſputes concerning rank and ceremony, at Ratiſbon, and occaſioned a very extraordinary public correſpondence. When the Prince of Fürſtenberg, who had been hitherto Principal Commiſſary, reſigned his office, the Prince of Taxis was appointed in his place, and imagined that he ſhould be able to avoid the former diſputes concerning etiquette, by reſiding for ſome time at a country houſe, a ſmall diſtance from the town, and occaſionally inviting all the Envoys to his table, without paying any particular attention to their rank. This happened for the firſt time on the 4th of June, 1748, when the Con-Commiſſary, and the Envoys of Mentz, Cologne, Bohemia, Auſtria, and Würtenberg, with their ladies, and a clergyman of the name of Stingelheim, who was charged with the votes of the Biſhops of Ratiſbon, Freiſingen, and Liege, were invited to dinner. When it came to the turn of the Bohemian Envoy, Count Sternberg, to hand Madame de Buchenberg, the Auſtrian Ambaſſador's Lady into the room, he happened not to be near her. Upon this, Mr. de Wallbrun, the Würtenberg Envoy, ſtept forwards before Mr. de Stingelheim to offer his hand, and took the latter gentleman's place at the table. This circumſtance revived the whole diſpute concerning precedency between the eccleſiaſtical and ſecular States of the

BOOK XI.

Empire. The clergyman entered a formal proteſt the next day againſt the behaviour of Mr. de Wallburn, which was deſigned to preſerve the juſt prerogatives of the eccleſiaſtical Princes from infringement. It appeared to be intended by way of ſatisfaction to the ſpiritual Princes, that the Prince of Taxis invited all their Envoys on the 16th of June, and did not invite thoſe of the ſecular Princes till the 20th following.

But a new difficulty aroſe now by Mr. de Bibra, the Envoy from Bamberg, who was conſidered as the firſt among the Clergy, not appearing at table on the 16th of June, becauſe Mr. de Stingelheim, who was the next to him in rank, had been invited before him. The Envoys of the ſecular Princes refuſed the invitation, that the precedency of the ſpiritual Princes might not be conſidered as acknowledged by them in prejudice to the rank which had always been aſſerted by the former. Mr. de Schwartzenau, the Envoy from Heſſe Darmſtadt was the only one who accepted the invitation, and the Envoys from Holland, and the Counts, were invited in the place of the others.

This affair was the occaſion of no leſs than ten different publications (*a*). The firſt was compoſed by Mr. de Heringen, an Envoy from one of the ſe-

(*a*) They are all printed in FABER's State Chancery, Part 97, p. 94—133. Part 98, p. 187—211. Part 99, p. 107—124. but it is worth while to inſert a few of the principal paſſages to ſhow the ſpirit of them.

cular

cular Princes, and ended with these words: "It is "an easy matter to breed confusion in the transac- "tions of the Diet, but difficult to restore it to "order again, and this affair will certainly not "be finished without further troublesome dis- "putes, nor will the end be quite so easy as the "beginning." In the second publication Mr. de Schwartzenau made some remarks on the former one. He began with observing, "that there had been "for some time people enough at the Diet, who, "under the cloak of those detested appeals and dis- "putes concerning ceremonies, which were now "considered in so ridiculous a light by most of the "Courts, concealed deep designs of producing con- "fusion and misunderstandings, they fished in trou- "bled waters, made elephants of flies, and, under the "appearance of supporting the ancient prerogatives "of the Princes, (though such pillars were very weak, "and by no means to be trusted,) confounded them in "chimerical disputes concerning rank, and then en- "deavoured to extricate themselves from the knot, "and while they made themselves necessary in certain "places, threw the odium upon others; that it was "easy to suppose that the Electors, Princes, and other "States, would not look for their dignity and pre- "rogatives in things which related only to the sup- "port of the body and the necessaries of life, but "take care of something more substantial, and know "how to assert their rank in its proper place at the "Sessions." He slightly hinted likewise at the invi- tations which had been sent to the Dutch Envoys and the *Deputies* of the Counts.

CHAP. VI.

In

BOOK XI.

In a third publication, occaſioned by this affair, Mr. de Bibra, the Envoy from Bamberg ſaid, "that "he had ſcrupled to accept of the invitation to din- "ner becauſe an Envoy ought not to be indifferent to "the rights of his principal, or ſacrifice his dignity to "the pleaſures of the table, or a paſſion for gaming." A fourth publication from Baron de Piſtorius, an Envoy from the Counts, under the title of "Incidental "Remarks," contained the following paſſage: "The "ſatyrical manner in which the Author mentions the "ſecond publication of the Envoys of the Counts, "which he might as well have avoided, clearly "proves that he is himſelf a lover of thoſe very cere- "monies which he attempts to place in ſo ridicu- "lous a light; that he fiſhes in troubled waters him- "ſelf, endeavours to make elephants of flies, and ſets "himſelf up as Maſter of the Ceremonies at the "Diet. Careful as he had been in endeavouring to "diſtinguiſh the Miniſters ſent from the Counts un- "der the name of *Deputies*, he would not inquire into "the original character of a Deputy, nor go back to "thoſe times, when even the Miniſters from Electors, "and Princes in the laſt century were ſo denominated; "but he begged leave to remind him, by way of in- "formation, that the Emperor, Charles VII, had "given the Counts of the Empire the right of ſending "Envoys, (GESANDTE), and gave that title to their "Miniſters; which act of the Emperors was ſufficient "authority; and it appeared to him, that it muſt even "be diſadvantageous to the Princes of ancient houſes,

"according

" according to the well-known disputes which they " had with foreign republicks, if the Counts of the " Empire, who sat in the same College and were of " equal birth, were put upon a lower footing than " foreigners (*a*)."

Baron Schwartzenau replied in a fifth publication, " that the Envoys of the secular Princes, as they knew " so well how to accommodate themselves to civi- " lized manners, good living, and the passion for " play, which now prevailed, would willingly leave " others to comfort their souls with their prayer- " books, if they chose them in preference. With " respect to the Plenipotentiaries of the Counts, who " owed their rank to *a paper promotion*, or so called " equalization of the Deputies, which was purchased " perhaps from the last Imperial Court, and not even " acknowledged by the present Bavarian Ministers at " the notification of their credentials, their attempts " would tend as little to the derogation of great " Electors and Princes, or their Ministers, as the " ideal title of Excellency, with which they are ho- " noured by the guards at a town gate, or by the " news-papers, and with which these gentlemen De- " puties are so mightily pleased, can give them any " real importance."

A sixth publication appeared from Baron Pistorius, with this motto from Juvenal " *Prælia quanta illo*

(*a*) This hint was occasioned by M. de Schwartzenau having mentioned the Dutch Minister before the Envoys from the Counts.

" *dispen-*

BOOK XI.

" *diſpenſatore videbis armigero!*" and the concluſion from Phædrus, " *Hoc ſcriptum eſt tibi, qui, magna* " *quum minaris, extricas nihil.*" The contents were, " that Baron Schwartzenau ſeemed inclined to begin " a ſerious paper war, which would at leaſt afford " him a good opportunity for paſſing the enſuing va- " cation in troubleſome and unneceſſary labour. The " paſſage which related to the purchaſe of rank, and " perſonally alluded to Charles VII. he left to a " higher tribunal; and as to the alluſion to the Ba- " varian Embaſſy, that would ſucceed but badly." Baron Schwartzenau anſwered in a ſeventh publication, " that the *incidental remarker*, being already com- " pletely vaniſhed, attempted to conceal a weak am- " bition under a ſcholaſtic pedantry; and that for " his part he had no inclination to be involved in a " dirty correſpondence with the " *Diis minorum gen-* " *tium.*"

Now came a rejoinder, an eighth publication from Baron Bibra. " There were certainly ſome among the " eccleſiaſtical Envoys, who had no occaſion to ſtudy " politeneſs at Ratiſbon! the prayer-book which had " been brought with ſuch violence into the diſpute " might as well have been ſpared, and not have been " aſſociated with the pleaſures of the table and a paſ- " ſion for gaming." The Dutch Miniſter alſo delivered his ſentiments in a ninth publication. He declared, " that he was perfectly indifferent to the diſputes about " rank, and neither intended making a bargain by " this or the other diſtinction, or paper flattery, nor " engaging

" engaging himself in any ridiculous quarrels; but " since he was personally named in the abovemen- " tioned writings, he would leave it to the decision " of others, whether the author of the incidental re- " marks had any reason to be so mightily distressed " with the apprehension of the Envoys of the Courts " being put upon a lower footing than foreigners, " or to boast so much of what had accidentally " happened at table." At length appeared the tenth publication from Baron Schneid, the Envoy from Bavaria. " It was vulgar," he said, " in the extreme to " give the reins to a mean and abusive wit, in things " with which none but people of the lowest class " were accustomed to sport and make the subjects of " their ridiculous and blasphemous jests. The dis- " guised author, it is true, did not seem to have ac- " customed himself much to the use of his prayer- " book, though he might be well-read in insipid " novels; that the mention of any purchase of the " honourable decrees of the Emperor was the greatest " imprudence," &c. But these are sufficient spe- cimens of a public correspondence of the members of the Diet, in the the middle of the eighteenth century! The affair itself continued as it was, with- out decision, and may therefore, especially with re- spect to the disputes concerning the rank of the Ecclesiastical and Secular Princes, be again brought forwards at every opportunity;——The abovemen- tioned gentlemen, however, had very soon objects of much greater importance to employ them.

CHAP. VI.

BOOK XII.

Ninth Period of Modern Hiſtory.

FROM THE PEACE OF AIX LA CHAPELLE UNTIL THE ELECTION OF JOSEPH II. KING OF THE ROMANS. 1748—1764.

CHAP. I.

Firſt Period of the Peace before the War of Seven Years, 1748—1753, *particularly the Changes which took place during that Time in the State of the Coinage; and the Appeal againſt the Knights of the Empire.*

The changes which have evidently taken place in the ſyſtem of Europe ſince the peace of Aix la Chapelle—particularly with reſpect to the friendſhip ſubſiſting between Auſtria and France—Improvements made during the time of peace, particularly in the Pruſſian territories—Alterations in the coinage on account of the unequal proportion of gold and ſilver—Diſcovered by Grauman in the ſtandard of Leipſic—Publications occaſioned thereby on the ſubject—and the ſo called CONVENTIONSFUSS, or convention ſtandard—Religious grievances of Hohenlohe—Upon which the Proteſtant body thought it neceſſary to enforce the right of ſelf-defence allowed by the treaty of Weſtphalia—Great diſturbances among the Catholicks at the Court of Vienna—A very important appeal made by Würtenburg

tenburg againſt the Knights of the Empire—particularly on account of the taxation of the eſtates of the Knights being ſtill perſiſted in, after they came into the hands of the States—Alſo on account of the peculiar right, which was maintained by the Knights of the Empire, of ſelling their eſtates; on account of the union of individual members; and the frequent admiſſion of the ſo-denominated PERSONALISTS—but without the decree of the Empire, which was procured, having the deſired effect.

CHAP. I.

A Very few years elapſed after the peace of Aix la Chapelle before there was a rupture, on one ſide, between Great Britain and France concerning the boundaries of Canada, which threatened important conſequences; and the King of Pruſſia, on the other ſide, diſcovered from private intelligence, that a combination of ſeveral powers was in agitation againſt him. The event certainly proved, that the ſyſtem which had hitherto prevailed in Europe, ſince the peace of Aix la Chapelle, was totally changed. The enmity which had ſubſiſted for three ſucceſſive centuries, between the Houſes of Auſtria and France, ſeemed ſuddenly converted into friendſhip. This was probably occaſioned by Count Wencelaus, Anthony Kaunitz de Rittberg, who had ſigned the peace of Aix la Chapelle on the part of Auſtria, being immediately ſent in the capacity of Miniſter from the Court of Vienna to Verſailles, and his being appointed in May, 1753, to the office of Chancellor of the Court, and firſt Miniſter of State, at Vienna. In the year 1764, he was raiſed to the rank of Prince, and has ever ſince continued to fulfil

BOOK XII.

the duties of his office with unremitting activity; a very extraordinary circumſtance, and perhaps the only inſtance of the kind.

It was only a period of eight years after the peace of Aix la Chapelle, or eleven years, if we reckon from the peace of Dreſden, that Germany remained in a ſtate of tranquillity; but even this period was, in many reſpects, of infinite importance to the conſtitution of the Empire. Frederick, equally active in conſulting the advantage of his dominions in peace, as perſonally bold in the command of his army in war, appeared in the character of a wiſe legiſlator, a reformer of the adminiſtration of juſtice, and promoter of navigation and commerce; an example which encouraged ſeveral other great Courts to imitate his paternal zeal for the good of his country; but the fruits which were reaped from theſe exertions, or which were at leaſt in expectation, were confined to the conſtitution of particular States, and did not extend to Germany in general, except in a ſingle inſtance, where a meaſure was adopted which diffuſed its effects throughout the Empire.

In the ſtandard of coinage eſtabliſhed at Leipſic, which, ſince the year 1738, had been conſidered as that of the Empire, the proportion of gold and ſilver was fixed, apparently without either knowledge or conſideration of the ſubject, at the rate of 1 to 15, that is, that one pound of gold ſhould be conſidered of the ſame value as fifteen pounds of ſilver.

ſilver. On the contrary, in Holland, France, and Spain, the proportion obſerved was 1 to 14. Of courſe therefore ſilver was no where ſo cheap as in Germany; and yet, as the ſilver mines of this country were extremely productive, the owners of them had every reaſon to prize this valuable gift of nature higher, eſpecially when they conſidered that it was an article which could not be diſpenſed with. Hence it followed, that all the ſilver which was coined by the Courts that adhered to the ſtandard of Leipſic ſoon diſappeared, and was exchanged for Dutch ducats, and old French Louis d'ors. Foreign commercial companies, which made a profit by trading in ſilver to other quarters of the world *, procured the greateſt part of it from Germany; a circumſtance which proved as injurious to the trade of this country, as it was advantageous to the Dutch and French.

At laſt a perſon of the name of John Philip Grauman, a man who was well acquainted with the buſineſs, and had been employed in ſeveral commercial houſes in Holland, found an opportunity of diſcloſing his ſentiments upon this ſubject at Brunſwick. In conſequence of a propoſal he made, a mark of ſilver, which, according to the Leipſic ſtandard, made eighteen florins, was coined into twenty, and the gold into pieces of five dollars value. At firſt this alarmed the States which adhered to the Leipſic ſtandard; but upon Grauman's publiſhing a juſtifi-

* Particularly to China.

BOOK XII.

cation of his principles, he was ſent for to Berlin, and appointed Inſpector General of the Royal Mint. A great quantity of gold and ſilver was immediately coined there, according to this newly-adopted plan; and at laſt the proportion eſtabliſhed by the ſtandard of Leipſic was univerſally acknowledged to be erroneous.

At Hanover the government made ſome ſcruple of debaſing the ſilver coinage, becauſe every one, who had occaſion to raiſe a ſum in ſilver to the amount of twenty ounces, ſuſtained a loſs of two-twentieths; for, in a quantity weighing twenty ounces, there were only eighteen of the former value. To remedy this, it was propoſed to leave the ſilver coinage as it was, but to leſſen the value of the gold, ſo that the value of a piece of five dollars was reduced to four and two-thirds; moſt of the other Courts however adopted the plan propoſed by Grauman.

Even the Court of Vienna was perſuaded to make an alteration in the ſtate of the coinage of Auſtria, according to the new proportion of gold and ſilver; but, that the Emperor's ſubjects might not ſuffer from the neighbouring territories, that Court concluded a Convention with the Court of Munich, (from which circumſtance the new ſtandard acquired the name of the CONVENTIONSFUSS, or Convention ſtandard, and CONVENTIONS-MÜNZE, or Convention money, throughout Germany). By virtue of this

this Convention, a mark of ſilver in Bavaria was to be coined into twenty florins; and the Court of Vienna endeavoured to eſtabliſh the ſame ſtandard in the Circles of Swabia, Franconia, and the Upper Rhine. But in all theſe Circles another obſtacle preſented itſelf. The current ſilver was reckoned at twenty-four florins to a mark; ducats were valued at five florins, piſtoles at nine, and Carolines and Louis d'ors at eleven. Every attempt to alter this in the end proved fruitleſs, and the Court of Bavaria was under the neceſſity of revoking the Convention; ſo that no uniformity prevailed whatever, though this was but a ſmall prelude to the confuſion which aroſe in the ſtate of the coinage a few years afterwards, and occaſioned a dreadful war. CHAP. I.

Among the other affairs at this period, which related to the Germanic conſtitution, none were of more importance than the religious grievances in the country of Hohenlohe, when the queſtion was again agitated, how far the two parties might, in ſuch caſes, have recourſe to ſelf-defence? The Princes of Hohenlohe, who became Catholicks after the peace of Weſtphalia, had made alterations in the ſtate of their country, which were ſo repugnant to the rule of the definitive year, that a decree of the Aulic Council was iſſued againſt them in conſequence of the complaints of their Proteſtant ſubjects, and the relations of their Houſe, September 30, 1744. They could not, however, be prevailed upon to comply with the edict, and the ne-

BOOK. XII.

ceſſary force to put the ſentence in execution was actually wanting, though it was ordered by the Aulic Council, September 13, 1748. As this had frequently happened before, in caſes of a ſimilar nature, the Proteſtant States were induced, on the application of the aggrieved party, to enforce the article of the peace of Weſtphalia, which in ſuch caſes authorizes ſelf-defence.

They reſolved therefore, April 29, 1750, to commiſſion the Summoning Office of the Proteſtant party in the Circle of Franconia to procure juſtice for the aggrieved ſubjects of Hohenlohe; for which purpoſe the Electors of Brandenburg and Brunſwick, and the Houſes of Saxe-Gotha and Heſſe-Caſſel, were requeſted, June 8, 1750, to aſſiſt, in caſe it ſhould be neceſſary, in the execution of the commiſſion.—In conſequence of this, an officer in the ſervice of the Margrave of Anſpach entered the country of Hohenlohe, Oct. 15, 1750, with 104 grenadiers, and obliged the Princes to ſubmit to the terms propoſed. This meaſure was conſidered by the Court of Vienna, and the Catholicks in general, as an illegal infringement of the Emperor's ſole prerogative, of enforcing the execution of a judicial ſentence; but the article of the peace of Weſtphalia on this ſubject is too clear not to juſtify it: "If any one ſhall be aggrieved contrary to the treaty of Weſtphalia, and the aggrievance is not removed, either amicably or in the courſe of law, within the term of three years, all the parties, and every individual concerned in the peace, as well as the Body of Proteſtant States, which, jointly conſidered, conſtitute

ſtitute a party, ſhall in that caſe be obliged, and of courſe have a right, to unite with the injured party, and aſſiſt them with their advice and power; and not upon the ſuppoſition of previous directions from the Emperor, but on the application of the injured party alone." The meaſure adopted by the Proteſtant Body was perfectly conſiſtent with this preſcription. This was certainly the firſt inſtance of this article being actually put in execution, becauſe hitherto the moſt violent meaſure adopted, when matters were carried to the greateſt length, had been only making repriſals; but this very circumſtance is a proof of the moderation formerly uſed, and that neceſſity alone required the Proteſtants at this juncture to proceed to ſuch extremities, unleſs they had been diſpoſed to leave thoſe who were ſo evidently injured in a defenceleſs ſtate, and have given room to imagine that ſuch meaſures would never be adopted. Since the moſt fatal conſequences, therefore, may reſult from ſuch a recourſe to ſelf-defence being oppoſed by an equal force, it is certainly to be wiſhed on this account, for the peace of Germany, and the welfare of both parties of religion, that they may never give each other any opportunity of proceeding to ſuch extremities in future.

Another affair which came into diſcuſſion at this period related to the free Imperial Nobility, or Knighthood of the Empire; an affair which was of no leſs conſequence, than either paving the way for their total abolition, or ſupporting their conſtitution in

BOOK XII. in its former ſtate, as it was eſtabliſhed by the fundamental laws and cuſtoms of the Empire.

Many of the States might certainly find it a very diſagreeable circumſtance to have the connection of their territories interrupted by a number of immediate eſtates belonging to the Free Nobility, when they compared them with thoſe countries where all the Nobility are ſubjects. On the other ſide, it might not unfrequently happen, that the Free Nobility made an improper uſe of their privileges, and carried the principles they had adopted too far. But the former were confirmed by the peace of Weſtphalia, and were now ſo interwoven in the conſtitution of the Empire, that they could not poſſibly be removed as a part, without injuring the whole. The latter therefore muſt neceſſarily be legally examined, according to the circumſtances of each particular caſe, though the States had frequently complained of the Free Nobility when they were engaged in any law-ſuits with them, being too much favoured by the ſupreme tribunals.

The Free Nobility pretended, that when any of their eſtates came into the poſſeſſion of a State of the Empire, either by purchaſe or other means, the taxes impoſed by them ought to continue, and no obſtacle be thrown in the way to prevent their being raiſed, when they were granted at a convention of the Knights (to which none but thoſe who were immediate, were admitted); but that they ſhould be raiſed,

raiſed, by order of the Free Nobility and by their executive power, the ſame as they were before. The States aſſerted, on the contrary, their right to incorporate newly-acquired eſtates with their own territories, and impoſe the cuſtomary taxes, without being any longer ſubject to the burthen of contributing to a tax impoſed by the Nobility *. CHAP. I.

In order to prevent ſo great a number of theſe eſtates from coming into the poſſeſſion of the States of the Empire, the Immediate Nobility endeavoured, by virtue of a privilege granted by the Emperor in the years 1624, 1652, and 1688, to appropriate a very extenſive right †, which allowed them to ſeize a free eſtate, within three years after the purchaſe, without making any allowance for the improvements which had been made upon it. The States oppoſed this right; and complained moreover, that when they thought they were only concerned with one of the Free Nobility, they found themſelves engaged with a whole Canton, or a Circle, or even with all the Free Nobility and Knights of the Empire, in the three Circles of Swabia, Franconia, and the Rhine, who made the affair a common cauſe; that the Knights were not ſatisfied with admitting ſuch perſons to be members of their order as were really poſſeſſed of eſtates, but matriculated even Miniſters of State, Ambaſſadors to Courts, and members of both the Su-

* RITTERSTEUERN. † RETRACHTSRECHT.

preme

BOOK XII.

preme Tribunals of the Empire, in a merely perſonal capacity, without thinking of the diſagreeable circumſtances which generally ariſe when a member of the Knighthood is either in the ſervice, or only reſident in the country of a State of the Empire, and has a ſuit depending at the Imperial Tribunals; or, in a caſe of death, when the effects of the deceaſed are to be ſealed, an inventory taken, &c.

The Court of Würtenberg, with reſpect to all theſe diſputes, adopted very different meaſures. It was pretended, that, for want of a general rule to be obſerved between the States and the Knighthood of the Empire, a deciſion was ſeldom made in a cauſe, in which they were concerned, according to any uniform principles, but ſometimes one way, and ſometimes another. That Court applied therefore to the executive power for a general and determined rule to be obſerved in all diſputes, in which the States and Free Nobility were concerned. A Manifeſto, with a folio full of documents and records, was laid before the Diet in 1749; and negociations carried on with the greateſt zeal on the ſubject at the principal Courts, by means of Ambaſſadors ſent expreſsly for the purpoſe. The Free Nobility ſent whole folios of remonſtrances on their part. The votes at the Diet appeared tolerably equal. At laſt a reſolution of the Empire was procured July 23, 1752, which, upon the whole, left the affair in its former ſtate, by obſerving, that the eſtabliſhment of a general rule would meet with

with too many obſtacles, on account of the various cuſtoms prevailing in the different parts of Germany; and that there was no alternative, therefore, than for his Imperial Majeſty to recommend ſuch diſputes, according to the circumſtances of each particular caſe, to be amicably ſettled; or, if that ſhould prove unſucceſsful, to be decided by the judgement of the Supreme Tribunals.

CHAP-

CHAPTER II.

Second Period of the Peace before the War of Seven Years, 1753—1756. New Subjects of Diſpute between the Courts of Vienna and Berlin, and between the two Parties of Religion.

Affairs, concerning which the Courts of Vienna and Berlin differed in opinion—introduction of the vote of the Prince of Taxis in the College of the Princes, in oppoſition to the majority of votes on the ſecular bench of Princes—The hereditary Prince of Heſſe-Caſſel changes his religion, and on that account ſigns an inſtrument to ſecure his ſubjects—The Proteſtant ſubjects of Carinthia, Stiria, and Upper Auſtria, tranſported to Hungary, and Tranſylvania—New Capuchin Convent erected at Diérdorf, the reſidence of the Counts of Wiedrunkel—Private intelligence of the deſign, in agitation at Vienna, of changing the ſtate of Religion in the Empire, and reconquering Sileſia.

THE impreſſion which the affair of Hohenlohe appeared to make upon the Court of Vienna in particular, was conſiderably increaſed by certain events, concerning which the Courts of Vienna and Berlin diſcovered oppoſite principles.

An

An event of this kind firſt occurred with reſpect to the vote which was attempted to be introduced in the College of Princes, in favour of the Prince of Thurn and Taxis. The Electoral College, it is true, had already given its conſent, and the Elector of Brandenburg among them; in the College of the Princes likewiſe, the majority of votes was in his favour, but the majority of the ſecular bench of Princes, on which the new vote was to take its place, was againſt him. The Emperor's Capitulation (Art. 1. §. 5.) contains the literal preſcription, that when the admiſſion of a new vote among the States is propoſed, "the Electoral College, and that College and BENCH on which it is to be admitted, muſt give their conſent." The Houſes of the ancient Princes maintained, therefore, that it was not ſufficient for the whole College of Princes to conſent, by means of a majority of votes, but that it was abſolutely requiſite to have the particular conſent likewiſe of the ſecular Bench, a majority of which was againſt the admiſſion of the Prince of Thurn and Taxis. CHAP. II.

Notwithſtanding this circumſtance, the Auſtrian Directorial Ambaſſador would perſiſt in introducing the vote, which was entruſted with full powers to himſelf. The Houſes of the ancient Princes oppoſed him, and, among the reſt, the Pruſſian Envoy, in behalf of Magdeburg, and the other princely votes of the Houſe of Brandenburg, becauſe as the *Directorium* was determined to proceed in ſo arbitrary a manner, notwithſtanding ſuch a powerful oppoſition,

BOOK XII.

the affair was considered in a different point of view. In fact, matters were carried so far, that as often as the vote of Thurn and Taxis was called over afterwards in the College of the Princes, the Envoys who opposed its introduction withdrew, and refused to insert it in their Protocols. (According to the public accounts, this affair continues in the state it was, neither has there ever been any authentic explanation of the abovementioned article of the Capitulation; yet the vote of the House of Taxis still continues in exercise. The vote of the Princely House of Schwartzburg was introduced at the same time; but did not meet with the same opposition. Since that, however, the introduction of any new votes in the College of the Princes has never been accomplished; and, during the whole period from the time of Leopold till now, the only vote which has succeeded was that of the House of Lichtenstein in the reign of Charles VI.)

Another circumstance, which was viewed in different points of view at Vienna and Berlin, and concerning which the religious parties were of very different opinions, was the change in the religious persuasion of the hereditary Prince of Hesse-Cassel. It was not known till the autumn of the year 1754, that he had become a Catholic in 1749 at Paderborn, where he was on a visit to Clement Augustus, Elector of Cologne. The Landgrave William VIII, his Father, was still living, and took care that the

the Provincial States of Heſſe ſhould receive a full assurance, at a Diet expreſsly convened for that purpoſe, that the religion of the country ſhould not ſuffer any alteration, and that there ſhould be no *Simullaneum*, nor any Catholics appointed to the offices in the gift of the Court. The Landgrave ordered likewiſe, that the eldeſt of his three grand children, whom the hereditary Prince had by the Princeſs Maria of England, ſhould, after his death, ſucceed to the county of Hanau, and that his Mother ſhould be appointed his guardian during his minority. He thought he had a greater right to make this regulation, becauſe he was the firſt of his family, who was in poſſeſſion of the county of Hanau, and according to the principles of law reſpecting the German Princes, could ſettle the order of inheritance in his own family, as he pleaſed. By virtue of his power likewiſe as a grandfather, he made ſuch regulations concerning the education of his grandchildren, that there was no apprehenſion of their becoming Catholicks after his death. They were immediately ſent to the Univerſity of Gottingen, and when that place was in danger of being expoſed to a war, they were removed to Copenhagen, where the two eldeſt afterwards married Daniſh Princeſſes. The hereditary Prince ſubmitted to all theſe regulations, and ſubſcribed his name to them. They were guaranteed likewiſe by the Kings of Great Britain, Denmark, and Pruſſia, and by the whole Proteſtant Body in Germany.

CHAP. II.

BOOK XII.

In fact, there was nothing done on this occaſion, which had not been done before in ſimilar caſes, when a change took place in religion, as in the Houſes of Saxony, Würtenberg, and others. The preſervation of the ſtate of religion, agreeably to the definitive year, and of courſe therefore to the treaty of Weſtphalia, was evidently the grand object. Attempts were made to remove the few obſtacles, which it was apprehended might ariſe from a different way of interpreting certain articles of the peace of Weſtphalia, from precedents in other houſes and territories, by treaty, which was no more repugnant to the peace than any other fundamental law, or any other part of the Germanic conſtitution. There was not, therefore, any innovation in view; but the preſervation of every thing in its former ſtate, and the prevention of complaints and diſputes in future: objects to which no upright German who is not indifferent to principles of equity and the preſervation of peace, cannot refuſe his approbation. Notwithſtanding this, ſeveral writers ſeemed to make it their buſineſs to repreſent this aſſurance of the ſecurity of religion in Heſſe, as repugnant to the treaty of Weſtphalia, and ſpoke in a tone even as if the whole tranſaction could be declared to be null and void. Such aſſertions as theſe naturally occaſioned other publications to confute them, which firmly maintained the contrary principles. This was all done without any of the Courts immediately interfering; although their different opinions could not remain a ſecret.

This

This difference of opinion and principles became more evident, when the Proteſtant States preſented an addreſs to the Empreſs Maria Thereſia, November 6, 1754, in favour of her Proteſtant ſubjects in Carinthia, Stiria, and Upper Auſtria, in conſequence of an Edict which ſentenced them, unleſs they embraced the Catholic perſuaſion, to be tranſported to Hungary and Tranſylvania. It certainly is not repugnant to the treaty of Weſtphalia, for a Catholic Sovereign to compel his ſubjects, who are not of his own perſuaſion, and are not included in the rule of the definitive year 1624, to quit the country; but in that caſe the ſubjects, who are driven out, are at liberty to go to any other place they pleaſe, as in the year 1732, when many thouſand Proteſtants, who emigrated from the Biſhoprick of Salzburg met with a very hoſpitable reception in other countries *. A compulſion of this kind likewiſe, which is certainly ſufficiently dreadful, is the ſevereſt meaſure, which the peace of Weſtphalia allows a Catholic Sovereign to adopt. Every tranſgreſſion beyond this boundary is evidently inconſiſtent with the principles of the peace; and nothing can be more evident, than that not only a violent compulſion of the inhabitants to abandon their native country, but to tranſport them to another place againſt their conſent, is incomparably more ſevere than a meer compulſion to emigrate, when it is left to the option of the fugitives, where they chuſe to ſettle. This tranſportation, therefore, was intirely inconſiſtent with the peace of Weſtphalia. In a military ſtate it is certainly allowable

CHAP. II.

* Vol. II. P. 337. Note.

BOOK XI.

to draft men from one regiment and place them in another, or remove a garriſon; but ſetting religion aſide, ſurely the right of tranſporting ſubjects to another country, can never be granted to any ſupreme power, except as a puniſhment for crimes. Much leſs can ſuch a meaſure be adopted on account of religion, and not without great compunction of conſcience, even when the alternative is allowed either to abandon particular religious doctrines, or be baniſhed to another land and climate. Theſe, and ſimilar remonſtrances, made ſo little impreſſion at Vienna, that the Auſtrian Directorial Ambaſſador, on the contrary, received a ſevere Reſcript from his
A. C. 755. Court, April 23, 1755, which expreſſed the greateſt diſpleaſure at the interceſſion of the States; and the tranſportation of the ſubjects, which had been reſolved upon, was vigorouſly perſiſted in.

A Convent, which the reigning Count of Wied-Runkel permitted the Capuchins to erect, in February, 1755, in his reſidentiary city of Dierdorf, became a new object of contention. In a country where the Sovereign and ſubjects are of the ſame religion, the former is certainly at liberty to allow thoſe who are of a different perſuaſion the exerciſe of their religion; as in the inſtance of a Catholic Church being firſt built by Frederick II, at Berlin; but in the preſent inſtance, the Count, who was a Calviniſt as well as his ſubjects, had already, upon ſome other occaſion, promiſed them, upon the condition of their paying him a ſtipulated ſum of money, that no Catholic Con-

Convent ſhould be built in the country. When he gave his conſent to the Catholicks, notwithſtanding his promiſe, and was in habits of intimacy moreover with the Clergy of the neighbouring Electorate of Treves, his ſubjects began to ſuſpect that their Sovereign, perhaps, might have privately changed his religion. The Proteſtant body, therefore, upon their application, not only ſent a dehortatory letter to the Count, June 3, 1755, but particular letters likewiſe to the Margrave of Brandenburg-Anſpach (as the proprietor of Sain-Altenkirchen) and Naſſau-Orange, requeſting them, as neighbours, to guard againſt any infringement of the peace of Weſtphalia. This meaſure was conſidered at Vienna as an illegal neglect of the Tribunals of the Empire, and the building of the Convent proceeded, with the Count's permiſſion, without further interruption. CHAP. II.

All theſe circumſtances might have had their influence, if the private intelligence of that time may be depended upon, which declared, that even then the grand objects of the Court of Vienna were to change the ſtate of religion in Germany, and recover Silefia (*a*).

(*a*) German Military Chancery, 1757, Vol. II. p. 168.

CHAPTER III.

Cauſe of the war of Seven Years, and the Part taken in it by the Emperor and Empire. 1756—1757.

Treaty ſecretly concluded at Leipſic, May 18, 1745, between the Courts of Vienna and Dreſden, with the intention of obliging the King of Pruſſia to relinquiſh not only Sileſia, but other territories—Articles of a treaty of alliance formed May 22, 1746, between the Courts of Vienna and Peterſburg—Private intelligence, on account of which the King of Pruſſia thought himſelf intitled to arm in his own defence, and prevent the threatened conſequences—The Aulic Conncil conſidered this meaſure in the light of a breach of the publie peace—A war of execution, decreed at the Diet of the Empire, againſt the Elector of Brandenburg—An article of the Capitulation of the Emperor, which had been hitherto the ſubject of diſpute, inforced on account of a memorial of the Court of Berlin being refuſed to be communicated, *per dictaturam*—Diſpute likewiſe concerning the manner of delivering the votes at the Diet—A declaration of Franee and Sweden concerning their guarantee of the peace of Weſtphalia—In oppoſition to which the Court of Berlin appealed to an article of the Capitulation, by virtue of which no foreign troops can be brought into Germany—After the King of Pruſſia had loſt a battle, and the French, Ruſſian, and Swediſh armies took the field, the army of execution of the Empire marched likewiſe, and met with a defeat at Roſsbach.

A. C. 1756. WHEN the King of Pruſſia, in conſequence of the Frankfort Union, in 1744, marched his army again into

into Bohemia, and before this new war was terminated by the peace of Dreſden, a private treaty was entered into at Leipſic by the Courts of Vienna and Dreſden, in which they both agreed not to diſarm, before, not only the whole of Sileſia and the county of Glatz were recovered, but the King of Pruſſia ſtill further humbled. It was the wiſh of his enemies, after having conquered Sileſia and Gratz, to become maſters of the Dutchy of Magdeburg, with the Circle of Saal, which was annexed to it; the Principality of Croſſen, together with the Circle of Züllichauer; the Bohemian fiefs of the Houſe of Brandenburg in Luſatia, viz. Cotbus, Pritz, Storkau, Breſkau, Sommerfeld; and other places appertaining to them. Agreements likewiſe were made reſpecting the part to be taken poſſeſſion of by the Houſe of Saxony, according as the fortune of war favoured the conquerors, and ſo far there could be no objection to a treaty of this nature, as it was concluded in the time of war, the fortune of which alone could decide in its favour or againſt it. CHAP. III.

But after the Houſe of Auſtria, as well as the Elector of Saxony, had agreed in the peace concluded at Dreſden, Dec. 25, 1745, that his Pruſſian Majeſty ſhould retain Sileſia and Glatz, with all his other dominions; the Courts of Vienna and Peterſburgh made a new league, on the 22d of May, 1746, in which the Court of Vienna declared its intention of religiouſly adhering to the peace of Dreſden, and the renunciation of Sileſia and Glatz; but it was

BOOK XII.

added, that in case the King of Prussia should be the first aggressor, and renew his attack upon the House of Austria, that the claims of the House of Austria upon that part of Silesia which was ceded, and upon the county of Glatz, should revive. To this likewise there could be no objection.—But the same condition was made upon the presumption of the King of Prussia's commencing hostilities, either against the Russians, or the Republick of Poland.—Whether the Court of Vienna could be absolved from the obligation, to abide by the peace of Dresden in this case likewise as well as the first, because the King had attacked another power, is a point which the political writers of Berlin zealously disputed.

It happened that the King of Prussia not only acquired, through a particular channel, authentic copies of both these private Conventions; but had further intelligence likewise, that it was in agitation to cause a rupture between him and Poland, or Russia, in order that the first case might actually happen; and even that hostile preparations were making for a sudden invasion of several parts of his own dominions at once. The remonstrance to the Court of Vienna was in vain. The answer which the King received was neither satisfactory nor determinate. He resolved, therefore, first to secure himself from any apprehensions respecting Saxony, and then invade Bohemia. Allowing that the King was the first aggressor, he maintained that he was under the necessity of having recourse to self defence, and acted upon principles justified

juſtified by the right of prevention. This was ſimilar to an event in the reign of Charles V. when Philip, the Landgrave of Heſſe, took the field, in the year 1529, in the affair of Otho de Pack; and in 1542 made an attack upon Henry the younger, Duke of Brunſwick-Wolfenbuttel. There was a peculiar ſimilarity to the latter inſtance, becauſe as the Landgrave was at that time ſucceſsful in his conqueſt of Magdeburg, and found certain documents there, which juſtified his conduct, copies of which he had in a great meaſure been previouſly in poſſeſſion of; ſo likewiſe the King of Pruſſia made himſelf maſter of the private archives at Dreſden, and got poſſeſſion of the original papers, of which he had copies already, and which were a ſufficient demonſtration of the facts he appealed to in his own defence *, CHAP. III.

The

* The conduct of the late King of Pruſſia, has, on this occaſion, been generally reprobated, but very unjuſtly. The circumſtances attending the tranſaction, are related in "M. de Archenholtz's Hiſtory of the War of Seven Years, as follow: "The King of Pruſſia was not a ſtranger to the league which "had his ruin for its object. He had copies of ſeveral important "papers, though, with reſpect to many circumſtances, he was "ſtill in the dark. A thorough knowledge of the deſigns which "were meditated againſt him, was abſolutely neceſſary for ſelf-"preſervation; and to this might be added the political duty, "to juſtify his invaſion of Saxony, which raiſed the aſtoniſhment "of Europe, by unqueſtionable documents. Theſe conſidera-"tions rendered it a matter of neceſſity to make himſelf maſter "of the Saxon Archives. His wiſhes were anticipated, and "the

BOOK XII.

The question concerning the application of the LANDFRIEDE, or law for the preservation of the

" the political treasure was conveyed, therefore, to the apartments " of the Queen of Poland. She kept the key herself, and kept " a cautious watch over her sacred depoſit. To Frederick's appli- " cation for their delivery, the Queen, who was his declared " enemy, he gave a positive refusal. Upon this the King deputed " his favourite General Winterfeld, who was as elegant a courtier " as he was a brave warrior, to wait upon her; but all his re- " monstrances were fruitless. Her Majesty firmly persisted in her " resolution, though Winterfeld intreated her upon his knees to " comply with his Sovereign's will. At last he withdrew, and " two other officers were sent in his place, who attempted to break " the cabinet open; the Queen thought herself able to pro- " tect the treasure by a personal resistance; accordingly she placed " herself against the door, and spread her arms out to prevent " their proceeding; but her resolution was ineffectual, and only " contributed to her greater degradation. She was removed " by force from her post, without any regard to her cries, or " the violence of her opposition, and Frederick succeeded in pro- " curing the papers he wished for. This irreverent attack upon " the person of royalty, although the circumstances fully justi- " fied it, was considered as an act of uncommon cruelty. An " account of the event, with the injury great exaggerated, was " transmitted to every Court, and Frederick's conduct in Saxony, " which was painted in the blackest colours, tended not a little " to increase the number of his enemies, and check the ardor of " his friends. It is well known that the Dauphine, the mother " of the present King of France, a daughter of the humiliated " Queen of Poland, fell at the feet of Lewis XV. and with tears " intreated his assistance, to save her royal parents and paternal " land." ARCHENHOLTZ's History of the War of Seven Years in Germany. Leipsic, 1789.

public

public peace, was never of ſuch importance as at the preſent juncture. The invaſion of Saxony and Bohemia were both repreſented at Vienna as breaches of the public peace. At Berlin, on the contrary, the accuſation was denied; and it was argued, that it was not only a breach of the peace when one State made war upon the other, but likewiſe when either of them entered into a forbidden conſpiracy or league to the other's prejudice. The Aulic Council in the mean time took every neceſſary meaſure for commencing a legal proceſs, in order to ſubject the King, as Elector of Brandenburg, to the puniſhment annexed to a breach of the public peace; with this view a Notary was ordered to ſerve the citation upon the Envoy of the Elector of Brandenburg at Ratiſbon. The Notary, however, was unſucceſsful, and the mode of ſerving the citation was not acknowledged as legal *. There could not be ſo much objection

CHAP. III.

* Doctor APRIL, the Imperial Notary, was authorized by the Fiſcal of the Aulic Council to ſerve the citation upon Baron Plotho, the Envoy from the King of Pruſſia to the Diet at Ratiſbon, which required him to ſhow cauſe, why the ſentence which ſubjected him to the ban of the Empire, ſhould not be put in execution. The Doctor waited upon the Envoy at his houſe, and preſented the paper with all poſſible humility, not even preſuming to mention its contents; but as ſoon as the Baron opened it, and read the ſuperſcription; *Citatio ad videndum, et audiendum ſe declarari in pœnam Banni Imperii, et privari omnibus feudis, juribus gratiis privilegiis et expectativis*; his juſt abhorrence of the meaſure, and contempt for the meſſenger, carried him beyond the bounds of moderation; he inſiſted at firſt upon the Doctor's taking it back; and upon his refuſal took him by the collar, and ſhowed him the door,

BOOK XII.

objection made to the avocatory letters * iſſued by the Aulic Council, conſidering the premiſes they proceeded upon, and the letter of the law. They were not wholly ineffectual with reſpect to ſome of the Princes of the Empire, and the Imperial Nobility, who immediately quitted the ſervice of the King of Pruſſia; but the grand queſtion was, whether the Diet would act in conjunction with the Aulic Council, in enforcing the execution of the laws reſpecting the public peace, by paſſing the decrees which were neceſſary.

Soon after the invaſion of Saxony a decree was paſſed by the Imperial Court, demanding the aid of an army of execution of the Empire in defence of the party attacked. Several of the States thought it more adviſeable to propoſe the mediation of the Empire between the belligerent Powers. The Electoral Houſe of Brunſwick, in particular, was of this opinion; and many of the others might well have had reaſon afterwards to lament that they did not contribute their voices in ſupport of advice which was ſo well intended. A Reſolution, however, was pro-

door, where the ſervants in livery waited to do the honours, and kicked him down ſtairs. The unfortunate Doctor April became the ſport of the whole town, and his ſon, who at preſent enjoys the honorable office of *Laquais de Place*, in the free Imperial City of Ratiſbon, gains ſome addition to his pay by amuſing ſtrangers with the ſtory.—ARCHENHOLTZ's Hiſtory of the Seven Years War.

* AVOCATORIEN, are the orders ſent by any particular government, to recall the ſubjects from the country of another power, and in Germany, when a State is under the Ban, to forbid the others to aſſiſt him.

cured

cured at the Diet by a majority of votes in favour of the war; which was oppoſed at Berlin, upon the principle that the votes had not been given regularly; but this circumſtance produced a ſingular event, by which a part of the Conſtitution of the Diet was more accurately ſettled. CHAP. III.

In order that it might not be left entirely at the option of the *Directorium* of Mentz, whether the writings of a State of the Empire ſhould be communicated to the Diet by means of the uſual DICTATUR, an article was inſerted in the Capitulation of Charles VII. "that if objections aroſe to this communication "on account of any improper or ſevere expreſſions, "or any other reaſon, the *Directorium* ſhould previouſly confer with the Electoral College, and proceed accordingly." The Princes had proteſted againſt this article, becauſe the Electors were to be conſulted on the ſubject without them. At preſent there was a caſe in point: M. de Plotho the Pruſſian Miniſter, required a writing to be communicated by means of the DICTATUR, which contained a number of criticiſms on the votes that were given in favour of the abovementioned Reſolution. Mentz entered into a diſcuſſion of the matter with the other Electors, the reſult of which was, an Electoral reſolution againſt the DICTATUR. The College of the Princes ſuffered it to paſs; of courſe, therefore, their former oppoſition was removed, and this article of the Capitulation fully confirmed.—In fact this was but juſt, becauſe the queſtion related to a ſort of previous conſultation; and it would be very extraordinary

BOOK XII. if it were neceſſary for the whole Empire to enter into a deliberation on a ſubject before it was legally notified; ſo that it was certainly better to take the opinion of the Electoral College, than to refer the whole buſineſs to be decided at the pleaſure of the Court of Mentz, or its Envoys to the Diet.

M. de Plotho endeavoured to help himſelf afterwards in another manner, which occaſioned the diſcuſſion of ſeveral points relative to the conſtitution of the Diet. Every Envoy is at liberty, when it is his turn to vote, either to dictate to the Secretary of Legation for him to write his opinion, or elſe to read a written paper, which he gives afterwards to the Secretary of the *Directorium*, that it may be inſerted in the Protocol, or regiſtered. At the meeting of the Electoral College, Feb. 11, 1757, when the turn came to the Elector of Brandenburg to vote, M. de Plotho began to dictate to the Secretary; but, as he was thought tedious, the Ambaſſador of the Elector of Mentz interrupted him, and deſired him only to read the paper and give it in; M. de Plotho ſaid he had no objection, if they would promiſe to inſert its contents, without alteration, in the Protocol. This was refuſed. He continued, therefore, to dictate; upon which the other Envoys and Secretaries of Legation went away, and left the Protocol unfiniſhed. The Envoys and Secretaries of the Elector of Brandenburg and Brunſwick continued; of courſe, therefore, there was a breach in the Protocol; and yet the Protocol of the two latter Envoys could not be diſcredited,

dited, becauſe the Secretary of Legation of a State, is as much deſerving of credit, as the Secretary to the *Directorium*. Even while the Protocol, which was complete, was writing, the other Envoys were obliged to return into the apartment where the Electoral College met, becauſe when they went into the adjoining room they had forgotten to take their hats, which are generally left upon a ſide table (*a*).

The *Directorium* of Mentz maintained, that none of the Clerks of the Chancery were under the neceſſity of writing more than three ſheets, and that if more was required the paper ſhould be printed. Much leſs could it be expected, that a Secretary ſhould have more than three ſheets dictated to him by an Envoy at once. On the other ſide, it would be very inconſiſtent with the freedom which a State has of voting, if an Envoy could be required to ſubject his vote to the general criticiſm of the others.

(*a*) It was cuſtomary formerly for the city of Ratiſbon, to ſupply the Envoys to the Diet, with confectionary and ſweet wine. The Clerks of the Chancery, likewiſe, were provided with wine and white bread, by the *Directorium*; but when the Diet became perpetual, the city of Ratiſbon complained, even in the laſt century, that their civility coſt them ſome thouſand dollars, eſpecially as there was ſeldom any of their proviſion left, and if there was, it was pocketed. The three Colleges, therefore, conſented to relieve the city from the expence, and the CONFECTTISCH, or table where the confectionary was generally placed, which is ſtill in the Council room, is only uſed now to put the hats and canes upon.

BOOK XII.

If an Envoy perſonally advances any thing improper to be inſerted in the Protocol, he is liable to be complained of at his Court, and made to anſwer for his conduct. But if it originates with the Court itſelf, or meets with its approbation, in that caſe the whole College is at liberty to act according to their own diſcretion, and decide whether any thing ſhall be erazed from the Protocol, or withdrawn in another manner. But a previous deciſion certainly appears to be by no means conſtitutional.

Before the army of the Empire, which had been reſolved upon at Ratiſbon, was in motion, the French Miniſter informed the Diet, March 14, 1757, that application had been made, by ſeveral of the moſt diſtinguiſhed States of the Empire, to the Crowns of France and Sweden, to exerciſe their right of guarantee of the peace of Weſtphalia; and that both Crowns had come to the determination, to adopt ſuch meaſures to fulfil their obligation, as would be moſt expeditious and effectual. The Miniſter from Sweden made a ſimilar declaration; and on the 20th of May, 1757, the French Miniſter announced in a more explicit manner the march of the French army into Germany.

The Court of Berlin objected to this declaration, that neither the names of thoſe States were ſpecified, which made the application for the guarantee, nor the particular article for which it was required. An article likewiſe was appealed to in the Capitulation

tion of the Emperor, which ordered "that the "Emperor ſhould neither introduce, nor ſuffer to "be introduced, any foreign troops, without the "conſent of the States; but that, in caſe any foreign "troops ſhould be brought into, or through the "Empire, by one or more States, contrary to the "peace of Weſtphalia, he ſhould earneſtly ſee that "they left the country immediately, let them belong "to whom they would, and whatever the pretence "might be for their incurſion; and that in caſe of "neceſſity he ſhould oppoſe force with force, and "afford immediate and efficient aid in defence of the "injured party." On the other ſide, it was argued, that this article only prohibited the introduction of a foreign army into Germany againſt the peace of Weſtphalia; but not when the guarantee of the peace required it. It was the opinion of others, that the real meaning of this article was, that it was an infringement upon the peace of Weſtphalia, when any foreign army whatever was brought into Germany without the previous conſent of the States. CHAP. III.

After the King of Pruſſia had met with his firſt defeat at the battle of Kolin *, which he loſt June 18, 1757, and not only the army of France, but thoſe likewiſe of Ruſſia and Sweden, had taken the field againſt him; the army of the Empire likewiſe, which was aſſembled at Nürenberg, under the command of Prince Joſeph of Hildberghauſen, began its march in Auguſt 1757, with the view of driving the A. C. 1757.

* See Gen. Loyd's "Hiſtory of the War;" and the late King of "Pruſſia's Poſthumous Works."

BOOK XII.

Pruſſians out of Saxony; but the fate of this campaign was ſoon decided in that part of Germany, by the moſt complete victory gained by Frederick, November 5, 1757, at Roſsbach, in Thuringia *.

* An army of more than fifty thouſand men, French, Imperialiſts, and troops of the Empire, were encamped in a ſtrong place, under the command of the Prince Soubiſe. The Pruſſian army was 20,000 ſtrong, commanded by the King himſelf, and encamped in the neighbourhood of Roſsbach. The enemy marched in three columns, and expected, by forming a triangle, to incloſe the *Marquis de Brandenbourg*, and take him and his little army priſoners. His Pruſſian Majeſty had juſt ſat down to table in his head-quarters at Roſsbach, when news came that the French army was on the march. Sufficiently acquainted with the ſtrength and diſpoſition of the enemy, he continued for ſome time ſitting in the moſt compoſed manner, and then led his whole army under a chain of hills, which covered his march through a vacant part of the triangle, with which the French thought to have incloſed him. As ſoon as he had paſſed them, he ſent his favourite Seydlitz, with the cavalry, to attack the cavalry of the enemy, who immediately fell back upon their own infantry, and threw them into diſorder. Six battalions of Pruſſian Infantry, which had advanced under the command of Prince Henry, ſupported this attack ſo manfully, that in an hour and a half's time, the fate of the day was decided, with no greater loſs, which is almoſt incredible, than 91 killed and 274 wounded. The enemy made a precipitate retreat; 8 French generals, 250 officers, and 6220 privates, were made priſoners; ſeventy-two pieces of cannon, 15 ſtandards, 7 pair of colours, and two pair of kettle-drums, compoſed but a part of the ſpoil. Fifteen hundred men were mortally wounded in the field of battle, and as many were killed in the purſuit; among the wounded were Prince Henry of Pruſſia, and General Seydlitz. The enemy continued their flight, breaking down every bridge, to prevent the Pruſſian army from purſuing them, as far as the Rhine, which they paſſed with the greateſt precipitation, ſcarcely allowing themſelves time to take care of the ſick and wounded.

CHAP-

CHAPTER IV.

War of Execution of the Empire, 1757, and Military Eſtabliſhment.

Defects in the military eſtabliſhment of the Empire, which were particularly diſcovered at the battle of Roſsbach, eſpecially on account of every State being obliged to maintain his own quota of men—The number of ovens—Difference of pay—Deficiency of many things neceſſary for the war, the muſkets of unequal ſize, &c.—Military cheſt raiſed by the grant of Roman Months—The mode of keeping the accounts—Aſſignments, and compenſations—Tax impoſed upon the ſubjects for the raiſing of Roman Months—Augmentation of them for the States which remained unarmed—Commanding officers of the Empire—Maintained likewiſe in time of peace—But enjoy the particular advantages of their offices only during a campaign—New regulations every time reſpecting the chief command of the army—An Imperial Council of War, which by virtue of the Capitulation ought to be compoſed of both religions, is not yet eſtabliſhed.

THE military eſtabliſhment of Germany cannot be A. C. 1757. placed in a clearer point of view than in the obſervations which were occaſioned by the defeat of the army of the Empire at Roſsbach. The grand circumſtance to be conſidered is the obligation every State is under to provide his own contingent with every neceſſary article even in the field. Many regiments are

BOOK XII.

compoſed of the contingents of ſeveral States, each of which has a particular Commiſſary, or *Entrepeneur*; its own baggage-waggons, ovens, hoſpitals &c. It is impoſſible, therefore, for the army to have any regular magazine, becauſe the Commiſſaries cannot keep their ſtores together, and on that account require ſeveral ſeparate buildings; and it ſometimes happens, that they are neither provided with bakers, nor ovens, but are obliged to run over the country to aſk leave from the peaſants in the villages to bake their bread, ſo that the ſoldiers of courſe have their bread of a bad quality, half-baked, and very unwholeſome.

A ſingle regiment, which is raiſed by ten or twelve different States, muſt ſend to as many different places for bread. The number of waggons uſed by the army is not ſufficient for the purpoſe; of courſe others muſt be procured from the peaſants of the country. The conſequenee of which is not only a great expence, but it inevitably follows, that in the ſame company one ſoldier has good bread, and another bad; nay, he may even ſtarve, while his comrade enjoys a belly-full, which occaſions incredible jealouſies among the privates. Another inconvenience is, that the army is never ſupplied with bread at the ſame time, becauſe one contingent receives their allowance to-day, another to-morrow, and a third, perhaps, the day after. The commanding officer, therefore, can never know, with any degree of certainty, whether his army is provided

vided with bread for any number of days or not; so that, if he has any plan in agitation, it is impoſſible for him to keep it ſecret; he muſt diſcloſe it to a number of officers, becauſe one man, who has only ten or twelve men, which are ſent by one State, muſt know what previous preparation to make, as much as he, who has to provide for a thouſand. It frequently happens likewiſe, that the men are in want of bread; the Commiſſaries are out of the way, conceal themſelves, and very often are not to be found at all. Of courſe, therefore, if the men are not aſſiſted from the general army ſtock, moſt of them muſt literally die for want of the common neceſſaries of life. In caſe, moreover, of a file or detachment of men being ſent on any expedition, if there are no more than fifty in number, and it may very often happen that every man is ſent by a different State, no leſs than fifty Commiſſaries muſt accompany them to ſupply them individually with proviſions; and then, perhaps, there are not conveniences enough, which is often the caſe, for carrying the bread, when it is required for any time, in a ſudden and unexpected march. Another inconvenient circumſtance is, that the privates neither receive their pay at the ſame time, nor in the ſame proportion; the inevitable conſequence of which is, that thoſe who have a ſmaller pay than their comrades are diſcontented, and thoſe who receive their pay for whole weeks and months, perhaps, at once, ſpend it, in the courſe of a few days, in drinking, and then have recourſe to ſtealing, or living on the public. Be-

CHAP. IV.

BOOK XII.

ſides this, almoſt every Circle, if not every individual State, has a particular hoſpital; ſo that the ſick and wounded are diſperſed in villages at a diſtance from each other, and are of courſe neglected or left to a diſſipated life, and are obliged to have recourſe to illicit practices.

It has been obſerved alſo, that, in order to keep the army of the Empire in better regulation, the commanding officers of the regiments ought to have more authority, and be at liberty to diſcharge ſuch Adjutants, Quarter-maſters, and other officers, as are unfit for ſervice, or neglect their duty; and have full power to compel the ſuperior officers to pay a rigid attention to military diſcipline. It is neceſſary, moreover, that each regiment ſhould have every thing requiſite for its equipment, as ſhoes, ſtockings, &c. in a ſufficient quantity, always at hand; that every battalion ſhould be provided likewiſe with the inſtruments neceſſary for making intrenchments, &c. of which they are daily in want, to prevent their taking them by force from the poor peaſants, or paying an exorbitant price for them, which very often delays the troops in their march, or elſe they are expoſed to the greateſt danger for want of the proper precautions of throwing up works to protect themſelves; that every battalion ſhould be provided with a baggage-waggon and able horſes to carry the various neceſſaries for the army during a campaign; and another waggon, or pack-horſes, to follow with the tents, that the troops may not be obliged to lie upon the

the ground in the open air, and run the risk of their lives: that every battalion should have two field-pieces of cannon of the same weight, with a sufficient number of artillery-men and horses to each; but principally, that their muskets should be uniform, and of the same bore; a circumstance in which so much negligence was observed at the battle of Rossbach, that of a hundred muskets, not above twenty could be fired. As long as such defects as these, and God knows how many more, are not remedied, every honest German, when he considers their importance, must join in the fervent wish, that the Holy Roman Empire may be long preserved from the fate of war!

But these are not the only requisites to prosecute a war of the Empire. There must be a general military chest; for though every State must maintain his own contingent, and every Circle be answerable for the money required by the commanding officers, there must still be a variety of expences attending the army, to be provided for by the Empire at large, such as the pay of the Commanders in Chief, the Staff-officers, Couriers, Expresses, Spies, &c. To answer these demands a number of Roman Months are granted. Formerly no less than ninety Roman Months were required for one campaign, but in the last war of the Empire there was no more than that number granted for all the campaigns, which were six or seven in number, during the last war.

BOOK XII.

The method adopted to raiſe this money was by appointing ſeveral towns called LEGSTADTE in the different Circles, and REICHSPFENNIGMEISTER, or collectors. The method uſed in the laſt war was a very ſimple one. The Chamber of the city of Ratiſbon received the money from the States, and paid it again to their orders. The accounts were ſettled afterwards by an extract being occaſionally made from the books of the Chamber in which the receipts and time were regularly ſpecified (*a*). The expenditure was mentioned in general ſums, as they were paid to the commanding officers, or their orders; but a particular account of the purpoſes to which the money was applied, which might be required according to the Capitulation, Art. 5, §. 4. has never yet been given; and it unluckily happened once, that the Council-houſe at Ratiſbon was broken open, and the military cheſt with its contents ſtolen.

It is probable that the Commanders in Chief, or Commiſſaries of the army, drew for money upon the Circles, or upon particular States, formerly without their conſent; but this cuſtom was aboliſhed by a particular article in the Emperor's Capitulation (*a*), which orders, that no COMPENSATIONS ſhall be allowed without the conſent of the Empire, particularly with reſpect to private money, and debts of the Emperor, which were formerly frequently

(*a*) German Military Chancery, 1757, vol. III. p. 155.
(*b*) Capitulation (1742). Art. 5, §. 8.

reckoned

reckoned inſtead of the arrears of ſubſidies in money due to the Empire, which were promiſed from Auſtria. Sometimes even demands have been made upon the Empire itſelf, which, however, cannot afford any grounds for compenſation without the conſent of the Diet.

(One of the lateſt inſtances of this kind occurred in the year 1783, when the Court of Denmark preſented a Memorial to the Diet. At the time of the war of the Spaniſh ſucceſſion, when the money was irregularly paid to the military cheſt, the Diet allowed Prince Eugene of Savoy, who had then the command of the army, June 21, 1713, to treat with a banker at Frankfort, of the name of Roſt, to advance the money upon the ſecurity of the Empire, to be paid again as it came in. According to the accounts of the books in the War-office at Vienna, March 23, 1733, Roſt had at that time advanced no leſs a ſum than 809,361 Florins, 9 Cruitzers. This debt has devolved to three heirs, and a third of it has been transferred to the King of Denmark. That Court, therefore, inſiſts upon the payment of the debt at preſent, or elſe upon the future poſſeſſion of Holſtein, by way of compenſation).

When a ſum of money, raiſed by a certain number of Roman Months, is granted by the Empire, as well as by the individual States, in time of war, a State does not pay it from the revenues of his own domains, but by a tax impoſed for that purpoſe upon

BOOK XII.

his ſubjects, who contribute alſo to maintain his quota of troops. With reſpect to ſuch States who have no ſoldiers themſelves, it is common for the Circle to undertake the appointment and maintenance of their quota, and charge them ſo many Roman Months extraordinary. Thus the Biſhoprick of Baſil was obliged, in conſequence of a reſolution of the Empire, Auguſt 28, 1758, to pay twenty Roman Months to the Empire, thirty-four to the military cheſt of the Circle of the Upper Rhine, and ſeventy-ſeven for the quota of troops, in all one hundred and thirty-one Roman Months. In the Biſhoprick of Paderborn, a Jew, called Simon Baruch, procured the commiſſion from Clement Auguſtus, the Biſhop of that ſee, to provide the troops; and very lately brought an action againſt the Provincial States of that country, in the Aulic Council, to recover the money. Many States, at the time of the Seven Years War, were not able to raiſe their quota of men; and, when the war was over, a long account was made out againſt them at Vienna; another ſtrong inducement for repeating the warmeſt wiſhes for a continuation of peace!

With reſpect to the officers neceſſary for the command of an army of the Empire, it was ſettled that each Circle ſhould appoint the Generals to command all the troops which were raiſed by that Circle in particular; but, as no officers of this deſcription can claim any command over the troops of another Circle, it was left to the Empire in general to appoint its

its own particular officers, to whom the chief command of the whole army might be intruſted with ſafety. Theſe four officers were appointed in the following order: the Field Marſhal General *, Commander in Chief of the Artillery †, General of the Cavalry, and Lieutenant-General. As an equality muſt be obſerved in religion, their number, muſt always be even, ſo that there are generally two appointed to each office, and ſometimes four. CHAP. IV.

The Commanders in Chief of the army were formerly only appointed in time of war; but in the year 1727, when one of the offices was vacated, the Prince of Oettingen made application for it, and ſucceeded, which was the firſt inſtance in the time of peace; and ſince that it has become cuſtomary for all the commanding officers of the Empire to enjoy their rank in peace as well as war; and it frequently happens, that, whenever an office of that kind is vacant, there are ſeveral candidates for it of diſtinguiſhed rank. The application is uſually made to the Diet; and the buſineſs ſettled by an opinion or reſolution of the Empire, confirmed by the Emperor.

The commanding officers of the Empire are paid in time of war from the military cheſt, according to their rank, whence they receive likewiſe the com-

* GENERALFELDMARSCHALL.

† GENERALFELDZEUGMEISTER.

mon

BOOK XII.

mon ratio for their horſes and men. There are no other advantages attending their ſituation, except that the Field Marſhal General of the Empire takes place of all officers of that rank in the ſervice of other powers. On this account, the Houſe of Auſtria took care in former times that the officer, who had the chief command of that army, ſhould at the ſame time enjoy the office of Field Marſhal General of the Empire, as in the inſtances of Prince Eugene of Savoy, Prince Charles of Lorraine, &c. The other officers rank the ſame as thoſe of other powers, according to their time of ſervice.—In the year 1758 it was in agitation for the GENERALITY, or officers of the Empire, to have their winter quarters allowed them in the Imperial cities; but the College of the cities unanimouſly oppoſed the propoſition at the Diet, and contrived by ſome means or other to carry their point (*a*).

In every war of the Empire it may be determined, by a reſolution at the Diet, who is to have the chief command, when it is not left to the diſcretion of the Emperor, as was the caſe in 1757; but, when the Emperor gave the command in the campaign of 1758 to Prince Frederick of Deux-Ponts, the queſtion aroſe, whether a Prince could be appointed to that office who was not in the GENERALITY, or in the liſt of commanding officers of the Empire. The abovementioned Prince however was not admitted to that office till afterwards.

(*a*) German Military Chancery, 1758, vol. III. p. 565.

In

In the time of war there ought properly to be a particular Council likewiſe of both religions (*a*); but this has never been eſtabliſhed. The concerns of the war therefore are generally under the direction of the office appointed by the Emperor in his hereditary dominions.—As ſoon as an army of the Empire is aſſembled, the men ſwear allegiance to the Emperor and Empire, and are provided with particular articles of war; though when any extraordinary event occurs, there is no end to the diſputes.

(*a*) Capitulation, (1742) Art. 4. p. 3.

CHAP-

CHAPTER V.

Debates on the Deſign of ſubjecting the King of Pruſſia to the Ban of the Empire, and concerning a Congreſs of Peace at Augſburg. Peace finally concluded at Hubertſburg. 1758—1763.

As the three Colleges of the Empire were proceeding to put the King of Pruſſia to the Ban, the Proteſtant body reſolved upon ſeceſſion in order to preſerve the authority of the Capitulation—The Emperor declares their reſolution annulled; but in vain—The Empire inſiſts upon joining the Congreſs of Peace to be held at Augſburg—and on ratifying the former treaties with an exception of that of Ryſwic—on which the two parties of Religion again divide—and the Congreſs comes to nothing—The war at laſt finally concluded by other treaties of peace at Paris and Hubertſburg.

TOWARDS the end of the year 1758, it was propoſed that the queſtion, Whether the King of Pruſſia ought not to be put to the Ban of the Empire, in the capacity of Elector of Brandenburg, on account of his breach of the public peace? ſhould be immediately brought for diſcuſſion before the three Colleges of the Empire at the General Diet, inſtead of a deputation being firſt appointed from each of the Colleges, obſerving an equality in point of religion, to inquire into the merits of the cauſe, according

cording to the article in the Capitulation, of 1711. To prevent this article from any infringement, the Proteſtant Body came to a reſolution, Nov. 29, 1758, in caſe the propoſition was made, and a majority of votes ſhould appear in its favour, to exerciſe their right of ſeceſſion. CHAP. V.

This reſolution revived the queſtion, Whether they could ſecede when the ſubject of debate did not immediately concern religion? and whether it was neceſſary for this purpoſe, that all the Proteſtant States ſhould be perfectly unanimous? or whether a general reſolution, conſtitutionally paſſed by the majority of their body, was ot ſufficient? The Emperor Francis even took upon him to declare the reſolution of the Proteſtant States null and void. This, however, was very inconſiſtent with the preſcription of the peace of Weſtphalia, which expreſſly ordains, that, "in caſe of a diviſion of the "two parties of religion, only an accomodation ſhall "avail;" *(ſola amicabilis compoſitio litem dirimat.)* The Proteſtants, therefore, who were in no want of arguments to maintain their prerogative with firmneſs, accompliſhed their purpoſe, and prevented the King's proſcription. It was not ſo much as propoſed afterwards, which would otherwiſe have been inevitable. This was the firſt inſtance ſince the affair of Zwingenberg, which was thirty-one years before, in which the Proteſtant body ſaw themſelves under the neceſſity of having recourſe to the expedient to preſerve their

BOOK XII.

their rights; but another event occurred ſoon afterwards which reduced them to the ſame neceſſity.

As the Germanic Empire had ſufficiently ſuffered from the oppreſſions of a deſtructive war, and the other belligerent powers appeared anxious for the reſtoration of peace, a Congreſs was agreed upon in the year 1701, to be held at Augſburg, to the great joy of all the parties concerned, between Auſtria, Ruſſia, France, and Sweden, on one ſide; and Great Britain, Pruſſia, and their allies, on the other. It was the general opinion that the Empire ſhould take no part in it, becauſe the Court of Berlin perſiſted in denying the legality of the decree which was paſſed in 1757; and becauſe a number of difficulties were foreſeen, which were likely to occur, with reſpect to the manner in which the Empire could co-operate, as well as with reſpect to the points which would come into debate, concerning the affairs of the Empire.

Notwithſtanding this, the Emperor made the propoſition to the Diet, to know whether the States might not think it conducive to their intereſts to ſend an Envoy to the Congreſs, which was in contemplation, in behalf of the Empire. Neither the repreſentation of the important obſtacles already mentioned, nor the very imperfect manner in which the other powers expreſſed their invitation, were ſufficient to prevent the actual propoſition of the Emperor's meſſage. The Catholic States, who enjoyed

joyed the priority of voting in both the Superior Colleges, not only implicitly gave their votes in its favour, but even delivered their ſentiments concerning the various points on which they intended to give the Emperor the full power of negociating—One of theſe was, that the preceding treaties ſhould be conſidered as the baſis of this, without taking any notice of the objections of the Proteſtant Body to the Peace of Ryſwick (*a*). This afforded another opportunity for ſeceſſion.—The Catholics even proceeded ſo far, as to form a Reſolution; but the Proteſtants took no part in it; the reſult of which was, that the Congreſs, which was expected to be held at Augſburg, although ſeveral of the Envoys had already hired houſes there for the purpoſe, came to nothing, and the dreadful war continued, until the year 1763, to overwhelm the country with blood and devaſtation, without any advantage being gained on either ſide *.

CHAP. V.

The

(*a*) Vol. II. p. 412.

* It is impoſſible to give the reader a more juſt idea of the calamities occaſioned by this dreadful war, than from the following elegant and deſcriptive letter written by her preſent Majeſty, when Princeſs of Mecklenburg, to the King of Pruſſia.

"May it pleaſe your Majeſty,

"I am at a loſs whether I ſhould congratulate or condole with you on your late victory, ſince the ſame ſucceſs which has covered you with laurels has overſpread the country of Mecklenburg with deſolation. I know, Sire, that it ſeems unbecoming my ſex, in this age of vicious refinement, to feel for one's country, to lament the horrors of war, or wiſh for the return of peace. I know you may think it more properly my province

BOOK XII.

The Peace itſelf was afterwards concluded in a very different manner.—After the death of Elizabeth, Empreſs of Ruſſia, which happened January 5, 1762, the King of Pruſſia made peace with Ruſſia and Sweden, May 5 and 22; and the other

to ſtudy the arts of pleaſing, or to inſpect ſubjects of a more domeſtic nature; but, however unbecoming it may be in me, I cannot reſiſt the deſire of interceding for this unhappy people.

"It was but a few years ago, that this territory wore the moſt pleaſing appearance, the country was cultivated, the peaſant looked chearful, and the towns abounded with riches and feſtivity. What an alteration, at preſent, from ſo charming a ſcene! I am not expert at deſcription, nor can my fancy add any horrors to the picture; but ſurely even conquerors themſelves would weep at the hideous proſpect now before me!

"The whole country, my dear country! lies one frightful waſte, preſenting only objects to excite terror, pity, and deſpair. The buſineſs of the huſbandman and the ſhepherd, are quite diſcontinued. The huſbandman and the ſhepherd are become ſoldiers themſelves, and help to ravage the ſoil they formerly cultivated. The towns are inhabited only by old men, women, and children. Perhaps here and there a warrior, by wounds or loſs of limbs rendered unfit for ſervice, left at his door; his little children hang around, aſk the hiſtory of every wound, and grow themſelves ſoldiers before they find ſtrength for the field. But this were nothing, did we not feel the alternate inſolence of either army, as it happens to advance or retreat in purſuing the operations of the campaigns. It is impoſſible to expreſs the confuſion which even thoſe who call themſelves our friends create. Thoſe from whom we might expect redreſs, oppreſs us with new calamities. From your juſtice, therefore, it is that we expect relief. To you even women and children may complain, whoſe humanity ſtoops to the meaneſt petition, and whoſe power is capable of repreſſing the greateſt injuſtice."

Annual Regiſter, 1761.

belligerent

belligerent powers, which had been increaſed in number by the addition of Spain and Portugal, entered into negociations at Paris and London; in conſequence of which, the preliminaries of peace were ſigned by France and Spain on one ſide, and Great Britain and Portugal on the other, Nov. 2 and 3, 1762, at Fontainbleau; and a definitive Treaty finally ſettled at Paris, Feb. 10, 1763.—In the mean time, likewiſe, a ceſſation of hoſtilities was agreed upon, Nov. 24, 1762, between Pruſſia and Auſtria, until the month of March following; and, before that period was elapſed, peace was concluded between Pruſſia and Auſtria, as well as between Pruſſia and Saxony, at Hubertſberg, on the 15th of February; by virtue of which, the affairs were left in general, as they had been ſettled by the Peace of Dreſden. With reſpect to the army of the Empire, his Pruſſian Majeſty declared, that he would conſider all thoſe States as neutral, who would withdraw their troops. This offer was accepted by one State after the other, and the condition complied with. Even a Reſolution was formed at the Diet upon the ſubject, Feb. 11; and the army was in this manner diſperſed, without any formal Treaty of Peace with the Empire; except that all the States, who had been allied to either party, were included in the Peace of Hubertſberg.

CHAP. V.

BOOK XIII.

Tenth Period of Modern History.

JOSEPH II.
1764—1786.

CHAP. I.

Joseph II. elected King of the Romans. 1764.

Electoral Collegiate Diet, and meeting for the purpose of Election, at Frankfort—Capitulation, and Electoral Collegiate Address to the Emperor—Two Decrees passed by the Electors—Disputes concerning the number of cannon to be fired at the arrival of the Imperial Commissary, and the Electors—The personal attendance of the newly-elected King of the Romans no longer required as formerly in the Conclave—nor the consent of the Father—The Election accomplished on this occasion without the previous consent of the Diet—All the Nine Electors vote at the Election—The Electoral Union confirmed by oath—Remarks on the alternate precedence of the Electors of Treves and Cologne—Agreement of the Courts of Munich and Manheim to enjoy the Vicariate of the Rhine alternately, approved of—The further agreement of the Vicarial Courts concerning the Rhenish and Saxon Vicariates, recommended to the deliberation and approbation of the Diet.

ONE

CHAP. I.

ONE of the firſt conſequences of the peace of Hubertſberg, which had the greateſt influence on the Germanic Conſtitution, was the Election of Joſeph II. to be King of the Romans. The attempt to accompliſh it in 1730 was unſucceſsful; but the conſent of the Electoral Vote of Brandenburg was now ſecured by a particular article of the Peace. A Diet of the Electoral College was previouſly held at Frankfort, to form the neceſſary reſolutions on the queſtion, "Whether the Election of a King of the "Romans was neceſſary?" When this was reſolved in the affirmative, the invitations to attend the Congreſs, which muſt otherwiſe have been ſent by the Elector of Mentz to all the Electoral Courts, were preſented by a Miniſter expreſsly appointed for the purpoſe to the Ambaſſadors, who were already aſſembled at Frankfort, with the ſame ſolemnities as are uſual on that occaſion at the Courts themſelves.

The deliberations concerning the Capitulation were very ſhort, and there were very few additions. A variety of things were inſerted again in the Electoral Collegiate Reſcript which was to be preſented to the reigning Emperor, to which he had promiſed in his Capitulation to pay due attention (*a*). Theſe articles, therefore, were very properly omitted in the Capitulation of the King of the Romans, and the uſual admonition inſerted inſtead, not to undertake the Government during the life of the Emperor, with-

(*a*) P. 19, 20.

BOOK XIII.

out his expreſs commiſſion and conſent (*a*); and if there ſhould be an Interregnum again, the above article of the Collegiate Reſcript would, in that caſe, no doubt, be inſerted in the new Emperor's Capitulation.

The Emperor on this occaſion ſent two Commiſſaries to the Electoral College, Prince Wenſeſlaus of Lichtenſtein, and Baron de Bartenſtein, one of his Aulic Counſellors, not as is uſual at the Diet, one a Principal Commiſſary, and the other a Con-commiſſary; but both in the ſame capacity. This, in ſome meaſure, eſtabliſhed it as a cuſtom for the above reſtriction to be peculiar to the Diet, and that there might in other places be more Imperial Commiſſaries than one at the ſame time.

When Prince Lichtenſtein arrived at Frankfort, he was ſaluted by the city with a hundred cannon. When the Eccleſiaſtical Electors, therefore, and the Elector Palatine attended afterwards in perſon, inſtead of receiving them as formerly, with twenty-four guns, which was the uſual compliment to an Elector, they were obliged to ſalute them each with a hundred and twenty-five, though with the aſſurance, that it ſhould not be conſidered as a precedent in future.

Whenever a King of the Romans, or an Emperor, was elected formerly, it was uſual for him to be

(*a*) Capitulation, 1764, Art. 30, § 3.

per-

perſonally preſent in the Conclave, that he might at the ſame time not only accept the dignity, but take the oaths to obſerve the Capitulation ſubmitted to him. At the three laſt Elections it was ſettled, that an Ambaſſador from the new Emperor, who was preſent in the Conclave, ſhould take the uſual oaths to obſerve the Capitulation in the Emperor's name. Notwithſtanding this, however, His Imperial Majeſty, when he makes his public entrance, muſt perſonally take the oaths, and from that day the Vicars of the Empire reſign the adminiſtration (*a*). CHAP. I.

As there had been theſe precedents, there could be no objection, at the election of a King of the Romans likewiſe, to the dignity being accepted, and the oaths being taken to obſerve the Capitulation at the ſame time. But at the preceding elections of a King of the Romans, it was cuſtomary for the Prince, on whom the election fell, to requeſt the conſent of the reigning Emperor, who was preſent, and generally his own father, before he declared his acceptance of the dignity. At preſent, that theſe two perſonages might not have the trouble of attending in perſon, it was ſo ſettled for the firſt time, that Prince Lichtenſtein, who on that account acquainted the Elector of Mentz with the full power he was inveſted with, was invited immediately after the election by one of the Elector of Mentz's Envoys to the Conclave, and gave the Emperor's paternal conſent in his

(*a*) Capitulation 1711, 1742, 1745, Art. 30, §. 5, 6.

BOOK XIII.

name; a method which in all probability will be obſerved in ſimilar caſes in future. This paternal conſent is not to be confounded with that which the Electoral College requeſts of the Emperor before they proceed to an Election. The former is not granted in conſequence of any application from the College, but from the Prince himſelf who is elected. The Electors requeſt the Emperor's conſent, though they have a right to proceed to an Election without, "when "the Emperor refuſes to comply with their requeſt "without ſufficient reaſons *(a)*."

Even in the year 1750, it was a debated point, Whether the queſtion, if it ſhould ever ariſe, of any other neceſſity of an election occurring beſides the uſual pleas of the abſence, age, or infirmities of the Emperor, could by virtue of the Convention entered into, concerning the election of a King of the Romans in the year 1711, be decided without the concurrence of the Empire in general? On the preſent occaſion there was only notice of the election ſent to the Diet by the Emperor, without any deliberations on the ſubject, which will probably be the caſe in future.

The meeting of the Electors on this occaſion had this peculiar circumſtance attending it, that it was the firſt of its kind, where the Electoral College conſiſted of nine members, its complete number, all of

(a) Capitulation, 1612, Art. 3, §. 11.

whom

whom attended. At the Election of Charles VI, which was the first since the admission of the ninth Electorate, the Bavarian vote was wanting, because that Elector was under the ban of the Empire. When Charles VII. was elected, the vote of Bohemia was suspended, and the Electors of Brandenburg and the Palatinate took no part in the Election of Francis I. But now all the nine Electors gave their votes for the first time at the Election of the King of the Romans, and it was also the last time, because by the extinction of the House of Bavaria in 1777, the number of Electors was reduced again to eight. CHAP. I.

It accidentally happened, that of all the Electors, who had either personally, or by means of their Ambassadors, renewed the Electoral Union by oath at the last Election, the Empress Maria Theresia, whose Ambassador had taken it in behalf of Bohemia, was the only one living. The other Electors therefore took the oath at present; the Electors of Mentz, Treves, Cologne, and the Palatinate in person; and the others by means of their Ambassadors. On the day when this solemnity was observed, according to the alternate precedency observed by the Electors of Treves and Cologne, it came to the turn of the latter to take the upper seat; but the Elector of Treves insisted upon taking his oath respecting the Union before Cologne, because the alternate precedency was only allowed when there was a variety of subjects to be treated of, which followed

BOOK XIII.

followed each other, in which firſt the Elector of Treves, and then the Elector of Cologne, was to enjoy the precedency, but not when there was only one tranſaction which had no other to follow it, in which caſe the Elector of Treves had a right to take place of Cologne. It happened, however, on this occaſion, that the Elector of Cologne did not perſonally attend on the day when the oaths were taken.

Among the few new articles which were inſerted in the Capitulation there was one reſpecting the Rheniſh Vicariate, the alternate enjoyment of which by the Courts of Munich and Manheim, with reference to the Treaty concluded on the ſubject, and which was confirmed by a Decree of the Empire *(a)*, was now conſidered as acknowledged. The Vicarial Courts, moreover, had ſettled the diſpute which formerly ſubſiſted between the Rheniſh and Saxon Vicariates concerning the boundaries of their diſtricts, by a Convention concluded among themſelves, June 9, 1750. This Convention met with the approbation of the Electoral Congreſs, and was left to be confirmed by a general Decree of the Empire *, though it has not yet ſucceeded *(b)*.

(a) P. 44. *(b)* Capitulation, 1764, Art. 3. § 19.

* The Emperor Joſeph II. was crowned April 3, 1764, with the uſual ceremonies, which are nearly as follow: "As ſoon as the Ambaſſador of the Emperor elect has declared his Majeſty's intention of being crowned, and the inſignia and jewels are brought by the reſpective Deputies from Aix la Chapelle, and Nurenberg, the Elector of Mentz receives proper notice, and the grand Mareſchal of the Empire ſends the.

the uſual invitations to the Courts of their Electoral Highneſſes, or delivers them to their Ambaſſadors at Ratiſbon.

At 8 o'clock in the morning of the day appointed, the Eccleſiaſtical Electors of Mentz, Treves, and Cologne, who are already aſſembled at Frankfort, proceed in their robes of State, attended by a numerous train of officers, with the aſſiſting Biſhops and Prelates, to the Cathedral Church of St. Bartholomew at Frankfort; where they put on their reſpective pontifical robes, mitres, caps, &c. and wait for the arrival of the proceſſion. The Elector of Mentz, whoſe office it is to conſecrate his Imperial Majeſty, aſſiſted by the Electors of Treves and Cologne, then receives the jewels, with the uſual oaths and ceremonies, from the Deputies of Aix la Chapelle, in the ſacriſty; and the Biſhops and Prelates aſſiſt in placing them in proper order, on an altar, at a convenient diſtance from the high altar in the chancel, except the Goſpel in golden letters, and the reliques of St. Stephen, which are placed upon the high altar itſelf. The crown, ſceptre, globe, and the ſword of St. Maurice, are then carried by two Canons of the Church, in a coach, to the Emperor's reſidence; accompanied by eight nobles of the Conſecrator's houſehold, in two other carriages, and a body of guards. The Canons ſit backward, and place the inſignia upon the front ſeat of the carriage. The Dalmatic robe, the Alba or Imperial mantle, and Stola, another of the Imperial veſtments, embroidered with gold and precious ſtones, the ſandals, buſkins, gloves, and girdle, all of which are richly adorned with jewels, are placed by the Deputies from Nurenberg upon an altar in the Electoral Chapel, the doors of which are ſhut immediately afterwards, by the Count of Werthen, door-keeper of the Holy Roman Empire.

The Secular Electors, or their firſt Miniſters, then repair to the Senate Houſe, habited in their robes of State, with the ſame trains as on the day of election, and proceed from thence on horſeback to the Emperor's reſidence. There they alight from their horſes, and are received by his Majeſty in perſon, in his apartment. The Emperor mounts his horſe, which is in waiting and richly capariſoned, at 10 o'clock; and as ſoon as the Ambaſſadors are remounted, the proceſſion commences in the following order. 1. The Grand Provoſt of the Empire, with his ſtaff of office, and the Imperial Harbinger of State. 2. Two trabans,

or

BOOK XIII.

or lifeguards. 3. The Harbinger of the Elector of Brunſwick-Lunenburg, with all the principal ſervants attending the Embaſſy, and afterwards the ſervants of all the other Electoral Ambaſſadors, the Harbingers, and ſervants of the Electors preſent, and the Emperor's ſervants habited in proper liveries. 4. The Pages of Honor in the ſervice of the Elector of Brunſwick, and other Electors according to their rank. 5. The Mareſchals of the Courts of the Electors of Mentz, Treves, and Cologne, with their other officers of State. 6. The members of the Council, Secretaries of Legation, Noblemen of the Courts, Chamberlains, Miniſters, Princes, and Counts uncovered on foot. 7. Kettle-drums and trumpets playing during the whole proceſſion. 8. The Emperor's Heralds properly habited on horſeback; and after them the Electors, or the Ambaſſadors who repreſent, them on horſeback; the hereditary officers of the Empire bearing the inſignia, which were delivered to them at the Emperor's reſidence. The Hereditary Grand Sewer, bearing the Imperial globe in the middle; the Hereditary Grand Chamberlain, with the ſceptre, on the right; and the Grand Treaſurer, with the Crown, on the left; all in one line. Then the Hereditary Grand Cupbearer, and the Hereditary Grand Mareſchal, with the ſword of St. Maurice drawn. 9. His Imperial Majeſty habited in his Royal, Electoral, or Ducal Robes of his own houſe, and the crown of his family upon his head, under a ſplendid canopy ſupported by the ſenior Senators of Frankfort, on horſeback; attended by the Grand Chamberlain of His Houſhold, Maſter of the Horſe, Captain of the Guards, and Halbertiers, with a body of guards walking on both ſides uncovered. On the approach of his Imperial Majeſty to the porch of the Cathedral, their Electoral Highneſſes of Mentz, Treves, and Cologne, mitred, and holding their Archiepiſcopal croſiers, attended by all the Biſhops and Abbots, go to meet him, preceded by the Canons of the Church of Frankfort, and the canons of their own cathedrals, with their crucifixes richly ornamented; the Electoral Hereditary Mareſchals, with their ſwords of ſtate inverted; and before the Elector of Mentz, the proper officer, bearing the ſeals of the Empire upon a ſilver ſtaff. As ſoon as his Majeſty has diſmounted, he paſſes through to take place of the Electors; and the Elector of Mentz ſprinkles him with holy water, repeating the uſual prayer; *Adjutorium noſtrum in nomine Domini!* to which the

the Biſhops and Abbots make the reſponſe, "*qui fecit cælum et* CHAP. I.
"*terram.*" The Elector proceeds, "*ſit nomen Domini benedictum!*"
Reſp. "*Ex hoc nunc et uſque in ſeculum.*" The Conſecrator then ſays, "*Oremus! Omnipotens ſempiterne Deus, qui famulum tuum,*
"*N. N. regni faſtigio dignatus es ſublimare, tribue ei quæſumus, ut ita*
"*in præſentis ſeculi curſu cunctorum in communi diſponat, quatenus a*
"*tuæ veritatis tramite non recedat per Dominum noſtrum Jeſum Chriſ-*
"*tum.*" Reſp. *Amen.*

When this ceremony is over, and the Nobles, Miniſters, Counts, and Princes, with the Electors, or their Repreſentatives, have proceeded, His Electoral Highneſs, the Conſecrator, goes with his whole train of Biſhops, Canons, Prieſts, and Deacons, in the order abovementioned, to the Altar. After him follows the hereditary Grand Mareſchal of the Empire with a drawn ſword, preceding his Imperial Majeſty; and the Electors of Treves and Cologne, at proper diſtances, conduct him to a ſeat prepared for the occaſion in the middle of the Church, elevated three ſteps, and under a ſplendid canopy. As his Majeſty enters the Church, the kettle-drums and trumpets ſtrike up, and the Antiphone, *Ecce ego mittam Angelum meum, &c.* is performed in full choir with the uſual reſponſes. During this, the Electors, nobles, &c. take their ſeats, and the hereditary officers bearing the inſignia ſtand near the Emperor in the following order: the Hereditary Mareſchal with his drawn ſword, and the Hereditary Arch-Chamberlain with the ſcepter on the left; the Grand Sewer, with the Imperial globe, and the Hereditary Grand Treaſurer, bearing the crown upon a velvet cuſhion on the right, and the Hereditary Grand Cup-bearer immediately before the Emperor. When the Antiphone is ſung, the Electors of Treves and Cologne, aſſiſted by the Biſhops and Abbots, conduct his Majeſty to the High Altar, where he kneels upon a cuſhion covered with purple upon the upper ſtep, and the officers of State continue in their reſpective places ſtanding. The Elector of Mentz ſtanding over him with the Croſier in his hand, ſays in a loud voice, *Domine ſalvum fac Regem*; and the ſurrounding Clergy anſwer, *Et exaudi nos in die, qua invocaverimus!* Conſec. *Oremus! Deus! qui ſcis genus humanum nulla virtute poſſe ſubſiſtere, concede propitius; ut Famulus tuus N. quem populo tuo voluiſti præferri, ita ut tuo ſuffulciatur adjutorio, quatenus, quibus potuerit prodeſſe, valeat per Dominum*

BOOK XIII.

minum noſtrum Jeſum Chriſtum. Reſp. *Amen.* Conſec. *Oremus! Omnipotens ſempiterne Deus, cœleſtiumque Moderator, qui famulum tuum N. ad regni faſtigium dignatus es provehere, concede quæſumus, ut a cunctis adverſatibus liberatus, ad æterna pacis gaudia per te venire donantem mereatur, per eundem Dominum Jeſum Chriſtum, &c.* Reſp. *Amen.* When this part of the ſervice is over, his Majeſty is conducted with the ſame ceremony to his ſeat. The Elector of Mentz then begins high Maſs. The firſt part, as the *Kyrie eleiſon*, and *gloria in excelſis*, are ſung in full choir, after which follow the collects, prayers for the day, &c. Before the Goſpel, the Grand Chamberlain of his Majeſty's houſehold, attended by the Mareſchal of the Court, takes off the crown and robes of his houſe and delivers them to the officers in waiting. The Elector of Treves and Cologne, attended by the other Electors, then conduct him again to the Altar, where his Majeſty kneels, and the Elector of Mentz likewiſe kneeling, repeats the Litany, to the verſe *Ut nos exaudire digneris*; upon which the latter riſes, and holding the Croſier in his hand, repeats the uſual prayers and benedictions, aſſiſted by the Electors of Treves and Cologne, making the accuſtomed croſſes; *Ut hunc famulum tuum N. in regem electum bene + dicere digneris*, to which the clergy anſwer, *Te rogamus audi nos.* Conſ. *Ut eum ſublimare et con + ſecrare digneris*, Reſp. *Te rogamus audi nos.* Conſ. *Ut eum ad Regni et Imperii faſtigium feliciter per + ducere digneris.* Reſp. *Te rogamus, audi nos.* At the commencement of this Litany, the Proteſtant Electors and Ambaſſadors leave the Altar, and return to their ſeats; and at the concluſion of it, the others riſe, and the Conſecrator having put on his Mitre again, and reſumed his Croſier, addreſſes himſelf to the Emperor as follows: 1. *Vis ſanctam fidem Catholicam et Apoſtolicam tenere et operibus juſtis ſervare?* 2. *Vis ſanctis Eccleſiis Eccleſiarumque Miniſteris fidelis eſſe tutor ac defenſor?* 3. *Vis regnum à Deo tibi conceſſum ſecundum juſtitiam Prædeceſſorum tuorum regere et efficaciter defendere?* 4. *Vis jura Regni et Imperii, bona ejuſdem injuſte diſperſa recuperare et conſervare, et fideliter in uſus Regni et Imperii diſpenſare?* 5. *Vis pauperum, et divitum, viduarum et orphanorum æquus eſſe judex et pius defenſor?* 6. *Vis Sanctiſſimo in Chriſto Patri et Domino, Romano Pontifici et Sanctæ Romanæ Eccleſiæ ſubjectionem debitam et fidem reverenter exhibere?* To each of which queſtions, his Imperial

CHAP. I.

Imperial Majeſty anſwers, *Volo*; and then approaching nearer to the Altar, and placing his right hand upon the Holy Goſpel, which was brought from Aix la Chapelle, he takes a ſolemn oath in the following words: *Omnia præmiſſa in quantum divino fultus fuero adjutorio, fideliter adimplebo; ſic me Deus adjuvet et ſancta Dei Evangelia.* The Conſecrator then addreſſes himſelf in a loud voice to all the people aſſembled: *Vultis tali Principi et Rectori vos ſubjicere, Ipſiuſque Regnum firmare, fide ſtabilire, atque juſſionibus illius obtemperare, juxta Apoſtolum: Omnis anima poteſtatibus ſublimioribus ſubdita ſit, ſive, Regi tanquam præcellenti?* to which the whole congregation anſwer, *Fiat! Fiat! Fiat!* The Emperor then retires from the Altar, and kneels upon the loweſt ſtep, upon which the Conſecrator ſtanding over him gives the bleſſing: *Benedic Domine! hunc Regem noſtrum, &c.* After which the Emperor is prepared to receive the holy unction. The Ambaſſadors, and the Hereditary Grand Chamberlain of the Empire, aſſiſted by the Maſter of the Robes, and Royal Chamberlains, undreſs his Majeſty as far as is neceſſary for the ceremony of anointing him. The Conſecrator then holding the veſſel in his hand, ſays, *Pax tibi.* Reſp. *et cum ſpiritu tuo.* The Emperor is then anointed and ſigned with the Croſs, firſt on the top of his head, on the breaſt, and between the ſhoulders, and then on the right arm between the hand and the elbow, the Conſecrator ſaying each time of pouring the oil, *Ungo te in Regem de oleo ſanctificato, in nomine Patris, + et Filii, + et Spiritus Sancti, + Amen.* During this ceremony the Antiphone: *Unxerunt Salomonem Zadoc Sacerdos, et Nathan Prophetæ in Zion et ambulantes læti dixerunt. Vivat in æternum! Alleluia* is ſung to muſic by the whole choir. As the Elector anoints the palm of the Emperors hand, he ſays, *Ungantur manus iſtæ de oleo ſanctificato, unde unctifuerunt Reges et Prophetæ et ſicut unxit Samuel David in Regem, ut ſis benedictus et conſtitutus Rex in Regno iſto ſuper populum iſtum, quem Dominus Deus tuus dedit tibi ad regendum et guberuandum, quod ipſe præſtare dignetur, qui vivit et regnat Deus in ſecula ſeculorum.* The choir then ſing, *Unxit te Deus oleo lætitiæ præ conſortibus tuis.*

After this ceremony, the Emperor is conducted by the Electors, or their firſt and ſecond Miniſters, attended by the Biſhops and Abbots,

BOOK XIII.

Abbots, and the hereditary officers bearing the inſignia before him, to the Electoral Chapel; where he puts on the Imperial pontificals, the ſandals, buſkins, dalmatic robe, and mantel, which are preſented to him by the Deputies from Nurenberg, and over them a long robe from the ſhoulders over the breaſt, like the dreſs worn by the Prieſts. Thus habited, he is conducted again before the Altar, and the others take their places. He then kneels upon the laſt ſtep, and behind him ſtand the ſecular Electors, repeating the reſponſes to the cuſtomary prayers. The Electors of Treves and Cologne take the ſword of Charlemagne from the Altar, draw it, and preſent it to the Emperor; upon which the Elector of Mentz addreſſes him as follows. *Accipe gladium per manus Epiſcoporum licet indignas vice tamen et auctoritate Sanctorum Apoſtolorum conſecratas tibi regulariter conceſſum noſtræque benedictionis officium defenſionem ſanctæ Dei eccleſiæ divinitus ordinatum: eſto memor, de quo Pſalmiſta prophetavit, dicens: accingere gladio tuo ſuper femur, tuum potentiſſime, &c.* Reſp. *Amen.* At the words *accingere gladio tuo*, his Majeſty gives the ſword to the Elector of Saxony, who puts it in its ſcabbard, and with the aſſiſtance of Bohemia and Bavaria girds it on him. A ring is then preſented to the Elector of Mentz, who puts it on the Emperor's finger, with theſe words; *Accipe Regiæ Dignitatis annulum, et per hoc Catholicæ fidei cognoſce ſignaculum.* Reſp. *Amen.* The ſceptre and globe are taken in the ſame manner from the Altar, and delivered to the Conſecrating Elector, who gives the former into the Emperor's right hand, and the latter into his left, repeating the words: *Accipe virgam virtutis et veritatis*, &c. Reſp. *Amen.* After which the Emperor returns them to their proper officers. The Elector of Saxony, or his firſt Miniſter, then draws the ſword of Charlemagne from its ſcabbard again, and delivers it to the Hereditary Grand Mareſchal, inſtead of the ſword of St. Maurice. The Emperor is robed in his rich Imperial mantle or pluvial by the Hereditary Chamberlain; after which the conſecrating Elector, and the Electors of Treves, and Cologne jointly aſſiſt in placing the royal crown upon his head, and the conſecrator addreſſes him in the following words: *Accipe coronam Regni, quæ licet ab indignis epiſcoporum tamen manibus capiti tuo imponitur. In nomine Patris + et Filii*

Filii ✝, *et Spiritus* ✝ *sancti, quam sanctitatis gloriam et honorem et opus fortitudinis significare intelligas, et per hanc te participem ministerii nostri non ignores; ita ut sicut nos in interioribus Pastores Rectoresque animarum intelligimur, ita et tu in exterioribus verus Dei cultor, strenuusque contra omnes adversitates ecclesiis Christi defensor, existas, regnique tibi a Deo dati, et per officium nostræ benedictionis in vice Apostolorum, omniumque Sanctorum regimini tuo, commissi utilis executor, proficuusque regnator semper appareas, ut inter glorioſos athletas virtutum gemmis ornatus et præmio sempiternæ felicitatis coronatus, cum Redemptore ac Salvatore nostro Jesu Christo, cujus nomen vicemque gerere crederis, sine fine glorieris, qui vivit, &c.* Resp. *Amen.* When the coronation is over, his Imperial Majesty is conducted to the Altar by the Electors of Treves and Cologne, and takes the following oath, first in Latin, and afterwards in German, laying his hand upon the Holy Gospel. CHA

"I promise and vow, in the presence of God and his Angels, that I will now, and ever, obey the laws, do justice, and preserve the peace of the holy church of God. I will study the welfare of the people subject to me, and endeavour to procure, and do them justice. I will promote the welfare, and maintain the rights of the Empire, with due consideration of the Divine Mercy, in the best manner I am able with the advice of the Princes, who are faithful to the Empire and myself; I will duly honour the most holy Bishop of Rome, the Romish church, and the other Bishops and servants of God; and protect and preserve uninjured, whatever the church has been endowed with, and what has been given to holy men by Emperors and Kings; and will show due honour to the Prelates, States, and vassals of the Empire; the Lord Jesus Christ assisting me with strength and grace." The Emperor is then conducted with the same forms to his seat, the kettle-drums are beat again and the trumpets sounded. While the Mass is continued, and the Gospel chaunted, the Elector of Treves presents the book with the golden letters for his Majesty to kiss, and the Elector of Cologne gives the incense. While the Creed and Offertory are chaunting, the Emperor, bearing the sceptre and globe in his hands, which he afterwards delivers to the proper officers, approaches the altar, and makes the accustomed offering; after which he returns to his seat, and receives the incense from the Elector of Treves.—Before the holy sacrament is

BOOK XI.

adminiſtered, the two Spiritual Electors take the crown from his Majeſty's head, and place it on a cuſhion to be held by the Hereditary Treaſurer of the Empire.

At the elevation of the Hoſt the Elector of Treves brings the paten for the Emperor to kiſs; and Cologne preſents him with the Holy Water. As ſoon as the conſecrating Elector has received the ſacrament himſelf, his Majeſty is conducted to the Altar, where he receives the conſecrated wafer from the Elector, and the wine from his cup. The Elector then, after the uſual prayers, ſolemnly pronounces the Bleſſing; and the aſſiſting Clergy make the reſponſes. When the Emperor is returned to his ſeat, the crown is placed with the ſame ceremony upon his head again. This ceremony concludes the maſs; upon which the Emperor, attended by the Electors, and all the high officers of the Empire, is conducted to a throne erected for the purpoſe, inſtead of the chair of Charlemagne at Aix la Chapelle, and the attendants take their ſeats in their reſpective ſtalls. The Elector of Mentz addreſſes himſelf to him in theſe words: *Sta et retine a modo locum Regium, quem non jure hæreditario, nec paterno ſucceſſione, ſed Principum Electorum in Regno Alemaniæ tibi noſcas delatum, maxime per auctoritatem Dei omnipotentis, et traditionem Præſentium, et omnium Epiſcoporum cæterorumque ſervorum Dei, &c.* Then ſtanding before the throne, he congratulates his Imperial Majeſty in the name of all the Electoral College; for which the Emperor graciouſly thanks him; and the Elector, turning towards the Altar, begins the Ambroſian Hymn, which is inſtantly ſtruck up by the whole band in full chorus, the bells ringing, cannon firing, kettle-drums beating, and trumpets ſounding from every quarter, amidſt the general acclamations of the people. In the mean time, the Spiritual Electors repair to the Sacriſty, and change their Prieſtly for their Electoral Robes.

The Emperor, being ſeated on his throne, is preſented with the ſword of Charlemagne, and, while the *Te Deum* is performing, confers the honour of Knighthood on ſeveral Counts and Nobles, dreſſed in the full habit of chivalry, as was cuſtomary in the time of the ancient Tournaments. Thoſe who are to receive this honour have their names given-in, the day preceding, to the Elector of Mentz, who ſends them to the Vice Chancellor

CHAP. I.

Chancellor of the Empire. They are then ſummoned to appear by the Captain of the Guards; and thoſe who anſwer to their names are preſented to his Imperial Majeſty, and kneel with due reverence before his throne, when he touches their right ſhoulder three times with his ſword; after which they riſe inveſted with the honour of knighthood. Immediately after this ceremony, the Deacon, and ſingers of the royal foundation at Aix la Chapelle, attend, and humbly repreſent to the Emperor, that it is cuſtomary for every King of the Romans, immediately after his coronation, to be admitted Canon of their order, and take the uſual oaths; which his Majeſty complies with in theſe words, laying his hand upon the Holy Goſpel: *Nos N. divini favente clementia Romanorum rex, Eccleſiæ noſtræ B. Mariæ Aquiſgranenſis Canonicus, promittimus, et ad hæc ſancta Dei Evangelia juramus eidem Eccleſiæ fidelitatem, et quod ipſam jura, bona et perſonas ejuſdem ab injuriis et violentiis defenſabimus, et faciemus defenſari, ejuſque privilegia omnia et ſingula et conſuetudines ratificamus, approbamus, et de novo confirmamus.*

The Electors of Treves and Cologne having changed their robes and returned to his Majeſty, the proceſſion commences, during which the bells continue ringing, and cannon firing. The Emperor proceeds, firſt adorned with his Imperial Crown, and robes of State, upon a platform prepared on the occaſion from the Cathedral to the Senate-houſe, which is covered with black, white, and yellow cloth. The inſignia, including the crown of the Emperor's houſe, are carried as before, and the Spiritual Electors, with their reſpective trains, join the proceſſion. The trumpets and kettle-drums go before the Nobles and Miniſters the whole time; after them the Heralds, the hereditary Grand Mareſchal of the Court of Mentz, with his ſword inverted, and the ſeals carried upon a ſilver ſtaff. Then the Elector of Treves alone, and the inſignia borne by the proper officers; after them the Emperor, with the Spiritual Electors of

BOOK XIII.

Mentz on his right, and Cologne on his left, bearing his train. Then the ſecular Electors two and two. The Electors are all covered, but all the other officers, and the whole proceſſion beſides, uncovered. The Emperor's halbertiers and guards walk on each ſide, and the Electoral guards cloſe the proceſſion; at the concluſion of which ceremony, the platform, cloth, &c. are given to the populace. Before the Emperor ſits down to the banquet prepared for him in the Senate-houſe, it is cuſtomary for him to appear with the Electors at the window, and ſee the ceremonies performed by the hereditary grand officers, as they are preſcribed by the Golden Bull. Firſt the hereditary Grand Mareſchal of the Empire mounts his horſe, which is richly capariſoned, and rides into the middle of a heap of oats laid in the ſquare before the Senate-houſe on the occaſion, attended by kettle-drums and trumpets. Having filled a ſilver meaſure full, and made the oats even with a ſilver inſtrument, he ſhakes them out again, returns to the hall, and the oats become the property of the populace. The hereditary Arch Sewer mounts a capariſoned horſe in the ſame manner, rides to a table covered with a fine linen cloth, takes from it a ſilver baſon, ewer, and a napkin; diſmounts again at the Senate-houſe, and carries them to the Emperor. After him the hereditary Grand Chamberlain rides in the ſame manner, with the ſame number of attendants, to a fire made in the ſquare, where there is an ox roaſting, from which he takes a piece, and carries it in a ſilver plate, covered, to the Emperor's table. The hereditary Arch Cup-bearer likewiſe rides to a table covered with a white cloth, on which there is a ſilver cup, weighing twelve marks, full of wine and water; he takes the cup, diſmounts at the Senate-houſe, and preſents it to the Emperor; and at laſt the hereditary Arch Treaſurer rides, with the ſame ceremonies, and with kettle drums and trumpets, into the middle of the populace, bearing a purſe of gold and ſilver coins, which he throws among the people, and returns.

CHAP. I.

A fountain, with a double eagle diſplayed on the top, ejects white and red wine, and white bread is thrown among the people. When theſe ceremonies are over, his Imperial Majeſty retires from the hall till the dinner is ſerved up, when he is conducted by the Electors and the Imperial officers, bearing the inſignia before him in due form to his ſeat. At table the crown is taken from his head by the hereditary Grand Sewer. The hereditary Arch Chamberlain preſents the water and the napkin. The Spiritual Electors then ſtanding before the Emperor's table, which is raiſed two ſteps higher than the reſt, Mentz in the middle, Treves on the right, and Cologne on the left, the former ſays grace, and the others make the reſponſes. All three of them then take the ſilver ſtaff with the ſeals, and bear them upright before his Majeſty. The Elector of Mentz, as Chancellor of the Empire, takes the ſeals off, and lays them on the table; upon which his Majeſty preſents them again to him, and as ſoon as his Highneſs has received them, he hangs them on his neck, and takes his place at a ſeparate table, and the other Electors at theirs. A table is provided likewiſe in the ſame hall where the Emperor dines, for the Princes, who are attended by officers of State. When dinner is ſerved up, the Emperor's diſhes are brought in by Counts of the Empire, preceded by Heralds and guards, and the hereditary Mareſchal with his ſtaff of office, except the firſt diſh, which is brought in by the hereditary Arch Sewer. The Elector of Mentz is waited upon in the ſame manner by his own officers, and the Mareſchal of his own Court with his wand. The Prince of Heſſe-Darmſtadt carves for his Imperial Majeſty, and the hereditary Cup-bearer of the Empire preſents the cup. Such of the Electors as aſſiſt at the ceremony in perſon, ſit at their own tables, and are attended by the officers of their Courts; but thoſe who are repreſented have only tables covered for them, at which the Ambaſſadors do not ſit. After dinner, the hereditary Chamberlain places the baſon upon the table for his Majeſty to waſh, which he

BOOK XIII.

he does ſitting, and when he has finiſhed, the whole company riſes, and the Elector of Mentz returns thanks, to which the other Spiritual Electors make the uſual reſponſes. The hereditary Cup-bearer then replaces the Emperor's crown upon his head, and, aſſiſted by the Counts in waiting, draws back the Emperor's ſeat, when they withdraw into another apartment. Soon after dinner the Emperor is conducted, with the uſual ceremonies, to his reſidence: he and the Electors in their carriages of ſtate, and the Imperial hereditary officers bearing the inſignia on horſeback, attended by the pages and ſervants in livery, with flambeaus. As ſoon as his Imperial Majeſty is arrived, the Electors attend him to his own apartment, and having formally taken leave, repair to their different quarters in the town.

A few days after the Coronation, the ſeals of the Empire are given in cuſtody to the Vice Chancellor; and the ſilver ſtaff becomes his property; the ſilver utenſils likewiſe, as the laver, the ewer, meaſure, cup, and diſh, are preſented to the hereditary officers who performed the different functions as ordered by the Golden Bull.

SCHEIDERMANTEL's Repertorium of the public Law of Germany, vol. II. p. 595. MOSER's public Law of Germany, where the Coronation Service may be found at large, vol. II. p. 463.

CHAP.

CHAPTER II.

Visitation of the Imperial Chamber.

Laudable zeal of Joseph II. for justice—which he discovers by a particular ordinance issued to the Aulic Council—and by affording hopes of a Visitation of the Chamber—concerning which serious deliberations are begun at the Diet—But a book which appears under the title of, Reflections on the Visitation, gives rise to entirely new principles—as if the Visitation was only a court of justice—and not dependent upon the Diet—but by virtue of a Recess of the Empire of the year 1543, only on the Emperor—who could settle every thing respecting it, therefore, according to preceding laws—These principles begin to be adopted at Vienna—The Visitation opened in May, 1767—A difficulty arises immediately, concerning the distinction between the Visitation, and Revision—and concerning the right maintained by the Elector of Mentz, of having a Sub-Delegate in every Senate of Revision—which was one reason why the Visitation was at last stopped—The affairs punctually examined each time by twenty-four sound lawyers—The proposal to appoint a subordinate deputation unsuccessful—An unexpected discovery, that a Jew carried on a trade with the Solicitors at Wetzlar, and that three Assessors received bribes, which occasions a serious inquiry—The Visitation had scarcely continued a year before a dispute arises concerning the relief of the first class, in November, 1774—Another dispute whether the Imperial Commissioners could invalidate a decree passed by a majority of votes, by refusing their consent—A report of the proceedings to the Emperor and Empire occasions at last a Resolution of the Diet, respecting several circumstances which

BOOK. XIII.

occurred at the Viſitation of the Chamber—The Viſitors previouſly take the opinion of ſeveral of the Aſſeſſors to regulate the ſtatutes of the Chamber, but do not begin the work—On the contrary, the Viſitors employ themſelves in ſettling the fees to be paid by the States, who complain reſpecting their law-ſuits—Another diſpute concerning the part the Counts were to take in the Viſitation—which could not be allowed to individuals, but only to the four Colleges collectively—of which the Counts of Franconiâ and Weſtphalia, as well as Wetteravia, were reckoned purely Proteſtant—In this manner the affair was conſidered by the whole Diet in 1766—But now the Counts of Weſtphalia and Franconiâ were all at once to be alternately reckoned on the Catholic ſide—as a Catholic Plenipotentiary of the Count of Metternich attended the ſecond claſs in behalf of the Counts of Weſtphalia—Upon which the Catholicks and Proteſtants paſſed decrees directly contrary to each other at Ratiſbon—An unfortunate diviſion of the whole Viſitation at Wetzlar—Publications on both ſides—the merits of which poſterity alone can impartially determine—The ſuppoſition that a memorial from Carlſruh had a fatal influence on the whole affair, certainly without foundation.

THE principal Courts of Germany never diſcovered ſo much zeal and unanimity on any occaſion, as in the wiſh, which they expreſſed at the Congreſs of election, that the Viſitation of the Imperial Chamber at Wetzlar, which had been ſo long deſired, might at laſt, now that peace was reſtored, be ſeriouſly attended to. This zeal was fully revived, when Joſeph II. immediately after his acceſſion to the Imperial Throne, diſcovered the moſt laudable inclination to promote regularity and expedition in the adminiſtration of juſtice, a diſpoſition which could not fail of ſecuring that Monarch the moſt unlimited confidence.

As

CHAP. II.

As the government of the hereditary dominions of Auſtria was ſtill in the hands of the Dowager Empreſs Maria Thereſia, Joſeph was enabled to devote himſelf entirely to the duties of his ſituation as Emperor. The Aulic Council reaped the firſt fruits of his activity on the 5th of April, 1766, when he iſſued an ordinance, containing the moſt ſalutary regulations to be obſerved by that high Tribunal in legal proceedings, which have in ſome meaſure preſerved their efficacy to the preſent day.

With reſpect to the Viſitation of the Chamber, the Electoral College had already propoſed in the Capitulation of Charles VII. that it might now be commenced in the ſame manner as it was to have been according to the directions of the laſt Receſs in 1654. But as many alterations had taken place ſince that period with reſpect to the States there nominated, as well as other circumſtances, ſeveral things were proviſionally ſettled in the Capitulation, and a reſervation made that a report ſhould be made to the Empire by means of a Commiſſorial Decree, and the opinion of the Diet taken on the ſubject (*a*).

If the orders, therefore, contained in the laſt Receſs, as well as in the other laws of the Empire, and the inſtructions moreover which were given by the Empire, to the very extraordinary Viſitation which was held in the years 1707—1713, could ſerve as a

(*a*) Capitulation, 1742, Art. 17. §. 3—12.

foundation

BOOK XIII.

foundation for the Viſitation now; the queſtion ſtill remained, how far thoſe inſtructions were applicable to the preſent circumſtances (*a*). There were ſeveral points, likewiſe, which it was highly proper to ſettle by a previous deliberation at the Diet, as carefully and accurately as poſſible, before they proceeded to the buſineſs itſelf, and diſcovered, when it was too late, the diſſenſions and interruptions likely to delay it.

With this view, no leſs than twenty-ſix points were referred, in the year 1747, to the conſideration of the Diet.—I know not by whom, but whoever propoſed them, he was certainly equal to the work he engaged in.—There ſcarcely ever was an inſtance of more zeal and unanimity than in the deliberations on this ſubject at the Diet in July and Auguſt, 1766.—A reſolution of the Empire was ſoon formed relative to ſome of the moſt important points, which was ſubmitted to the Emperor's approbation, with the reſervation of the right of deliberating on the other articles hereafter.—The Emperor's approbation, however, was not procured ſo early as was expected (*b*); and it ſoon appeared, that a change had, in all probability at leaſt, in the mean time, taken place in the principles, hitherto entertained, with reſpect to the Viſitation of the Chamber.

(*a*) Capitulation, 1742, Art. 17, Sec. 6.

(*b*) The Reſolution of the Empire was paſſed Auguſt 8, and the Emperor's Commiſſorial decree of approbation, Nov. 17, 1766.

It

It was evident what system was adopted now, from a writing which was at first distributed in manuscript, and afterwards printed at Mentz, in 1767, under the Title of "REFLECTIONS on the VISITATION OF THE IMPERIAL CHAMBER (*a*)."

It was argued, that the rules to be observed at the Visitation now in contemplation, were already sufficiently settled by custom and the laws, which had been formerly and lately made upon the subject; of course therefore that no further deliberation at the Diet was necessary. It could not, it is true, be denied that there were three very different objects in view, distinct from each other; first, an examination of the causes left for revision, in the manner of a regular Tribunal; secondly, a real Visitation to enquire into, and remedy, the defects in the constitution, as well as of the members, of the Court; and, lastly, to establish such new legal prescriptions and improvements, as might seem necessary to the Visitors acting in the capacity of an extraordinary Deputation of the Empire. The whole Visitation, however, was represented as a Court of Judicature appointed by law; and it was soon evident on several occasions, that an attempt was made to connect with this idea the principle, that every thing depended solely on the Supreme Magisterial power of the Emperor, and that he could determine any thing in the whole business at pleasure.

(*a*) This work may be found in the Transactions of the Visitation of the Imperial Chamber. Continuation, p. 63—86. (1767,)

The

BOOK XIII.

The Viſitation, ſay the advocates for this opinion, is not dependent on the Diet; but the Deputation appointed for that purpoſe repreſents the Emperor and Empire equally as much as the Diet itſelf.—There might be a Viſitation if no Diet exiſted, which frequently happened formerly; the Sub-Delegates were not dependent on the Diet, but immediately upon the reſpective Courts, as much as the Envoys themſelves (*a*).—All this would certainly be true, if a Viſitation appointed by the Emperor and Empire was really in being; but, as the queſtion was firſt diſcuſſed, whether a Viſitation ſhould be eſtabliſhed, and how it ſhould be eſtabliſhed, and how far they ſhould adhere to the regulations reſpecting it, which were made a century ago or what alterations ſhould be made, as circumſtances changed? theſe were ſubjects which could certainly only be determined by the Diet.

In order to attribute an excluſive right to the Emperor of determining ſuch queſtions as might occur at the Viſitation, without the concurrence of the States, an Article of the Receſs, of the year 1543, was adduced in favour of the doctrine; in which it was ordered, with reſpect to the different religions of the States, at the Viſitation which was to be held in that year, that, if any miſunderſtanding aroſe among the viſitors, the Imperial Commiſſaries

(*a*) Reflections on the Viſitation of the Imperial Chamber. § 7—10, p. 8—10.

ſhould

CHAP. II.

ſhould endeavour to accomodate matters in an amicable way. To this a clauſe was added, that, if their endeavours to ſettle the diſpute ſhould be unſucceſsful, "the affair ſhould, in that caſe, be referred to "his Imperial Majeſty, for his final deciſion, with "which all the States ſhould punctually comply."—Againſt this clauſe the Proteſtant States immediately proteſted; the Viſitation of 1543 was diſſolved; and in the Statutes of the Chamber, which aboliſhed all former regulations which were not repeated and did not accord with them, this article in the Receſs of 1543 was omitted.—Notwithſtanding this, the very article abovementioned was appealed to as a law, which was not only obligatory then, but for all ſubſequent Viſitations, and therefore a perpetual rule. They founded the poſition upon it, that, if the Viſitors, after declaring their votes ſeveral times, could not agree, and the number of votes were equal, they muſt apply to his Imperial Majeſty as the only Supreme Judge of the Empire, and wait for his final deciſion (*a*).

It was ſaid, moreover, that this was not an extraordinary Viſitation, like that of the year 1707, which laſted till 1713, but an ordinary one, the ſame as that which was continued annually, from 1555 to 1587. The States which were deputed for the purpoſe were already nominated, according to the diviſion, into five claſſes, in the Receſs of 1654; the firſt claſs, therefore, could enter

(*a*) Reflections on the Viſitation of the Imperial Chamber. § 14. p. 13.

immediately

BOOK XIII.

immediately upon the buſineſs, without any further power, or inſtruction being granted for the purpoſe by the Emperor.—If any other regulations were neceſſary for the ſucceeding claſſes, the Emperor had it always in his power to require a Reſolution of the Empire on the ſubject. Every thing elſe the Emperor could ſettle of himſelf. He could appoint the time for opening the Viſitation, iſſue an edict by virtue of which all States and Parties, who had cauſes depending, and wiſhed to continue the reviſion of them, could be obliged to renew their application within three months, on pain of loſing their cauſes, &c. Thus, the twenty-ſix points which were propoſed for deliberation were thought of no more, becauſe the Emperor did not ſtand in need of any further Reſolution of the Empire to put the Viſitation in action (*a*). If any of the laws or cuſtoms were ſtill undetermined, the Viſitors would diſcover and adjuſt them in the courſe of the Seſſion; and they then might remedy the evils in a conſtitutional manner, or elſe, if neceſſity required, report them to his Imperial Majeſty; but that nothing of this kind could be done previouſly, nor any inſtruction therefore be given on the ſubject (*b*).

Although theſe reflections made their appearance only in the form of an anonymous private writing, with the real Author of which I am perfectly un-

(*a*) Reflections, § 29, p. 22.
(*b*) Ibid. § 47, p. 32.

acquainted

acquainted; yet the event ſoon proved, that the Imperial Court implicitly adopted their principles. In the Commiſſorial Decree, which was iſſued Nov. 17, 1766, in conſequence of the Reſolution of Aug. 8, the Viſitation was appointed to be opened on the 2d of May, 1767. The Emperor undertook to execute all the preparatory buſineſs, and ſettled every thing himſelf, as if there was nothing left for the deliberation of the Diet. A few doubts which were expreſſed upon the ſubject, were the occaſion perhaps of another Commiſſorial Decree being iſſued, Jan. 26, 1767, which contained the reaſons why it was not thought neceſſary to apply for a power of proceeding and inſtructions, and yet a further Reſolution of the Diet was required reſpecting the progreſs of the Viſitation in the ſucceeding Claſſes; at which period, juſt as the affair was in agitation, the above mentioned reflections were publiſhed.

The Sub-Delegates of the twenty-four States, who were deputed for the firſt claſs, and the two Imperial Commiſſaries, Charles Egon Prince of Fürſtenberg, and George Baron of Spangenberg, arrived ſo early at Wetzlar, that the Viſitation was fortunately opened in May, 1767; but ſuch obſtacles ſoon preſented themſelves, that it was greatly to be wiſhed, for the ſucceſsful progreſs of this important buſineſs, that it had previouſly been more accurately ſettled; which would certainly have been the caſe, if the twenty-ſix articles already mentioned had been properly deliberated at the Diet. The Viſitation might

BOOK XIII.

might then have commenced perhaps a year or two later; but more buſineſs would have been done in one or two years than was afterwards done in nine, and the whole affair would not have met with ſuch an unfortunate end as it actually did.

At the very commencement of the Viſitation, a doubt aroſe concerning the diſtinction to be made between the real buſineſs of the Viſitation, and the reviſion of the cauſes depending. The laſt Receſs ordered, "that the twenty-four States ſhould undertake the reviſion of the cauſes as ſoon as the buſineſs of the Viſitation was over (*a*), and as it was ſuppoſed that there was an immenſe number of cauſes waiting for reviſion, the Receſs for that very reaſon ordered ſuch a number of States, that they might be divided into four different Senates." The Electoral College expreſſed a wiſh in the Capitulation of Charles VII. that the real buſineſs of the Viſitation ſhould only be tranſacted by one Senate; that two of the others ſhould undertake the reviſion of the old cauſes, and the fourth begin with the new ones (*b*). But it appeared to be more conſiſtent with the meaning of the Receſs, that the whole Deputation ſhould ſettle the buſineſs of the Viſitation firſt, and then proceed in four diſtinct Senates to a reviſion of the cauſes; for the buſineſs of the Viſitation was certainly of infinitely greater conſequence than the reviſion of any individual cauſe. Another difficulty aroſe now re-

(*a*) Receſs, 1054, § 130.
(*b*) Capitulation, 1742, Art. 17, § 8.

ſpecting

ſpecting the ſix States, who were to enjoy the precedency, and be employed in ſettling the buſineſs of the Viſitation alone, and the eighteen who were to conſtitute the Senate of Reviſion. In ſhort, it was found neceſſary for the Viſitors to begin their buſineſs immediately in a full Council, conſiſting of the two Imperial Commiſſaries, and twenty-four Sub-delegates from the deputed States.

An unforeſeen difficulty aroſe even in the diviſion of the Senates, which were to enter upon the buſineſs of Reviſion. The Diet propoſed, in a Reſolution of Auguſt 8, 1766, that each of the deputed States ſhould ſend two Sub-delegates to the Viſitation. The Commiſſorial Decree of the Empire, on the contrary, which ratified the Reſolution, mentioned only one, with which the Diet was ſatisfied. At the opening the Viſitation, therefore, in May 1767, only one Sub-delegate appeared from each of the deputed States, except from the Elector of Mentz, who ſent four, and the reaſon, as it ſoon appeared, was, that he thought it neceſſary to have one in each of the Senates. As there was now therefore no leſs than twenty-ſeven Sub-delegates to be divided into four Senates, either three of them muſt have been compoſed of ſeven Members, which could not be admitted on account of the equality to be obſerved in religion: or elſe three other Catholic Sub-delegates muſt have given place to thoſe appointed from Mentz.

BOOK XIII.

In order to remove this obſtacle, the Imperial Commiſſary made a propoſition, June 25, 1768, that there ſhould be an Electoral *Directorium* appointed by the Elector of Mentz in each of the Senates, but that his vote ſhould be admitted only in one. An anſwer was required on this ſubject from the Elector himſelf, which was very naturally objected to, not only by the Elector of Saxony and moſt of the Proteſtant States, but by the Elector of Bavaria, and the Biſhops of Bamberg and Munſter. Before this affair was adjuſted, therefore, not a ſtep further could be advanced in the diviſion of the Senates, neither could any other meaſures be adopted to promote a reviſion of the cauſes. The anſwer was not given by the Elector of Mentz before the 10th of January, 1776, and even then he agreed to the propoſal upon this condition, that it ſhould not be conſidered as any precedent in future, and with the reſervation that no appeal whatever ſhould be made to it, as a right either by title or poſſeſſion *. The Emperor's Commiſſaries conſidered this as a very generous declaration, as it was certainly at the option of every State, to exerciſe his right of voting on any occaſion, without prejudice to himſelf. Others, however, thought it a matter of too great importance to acknowledge, that the Elector of Mentz had actually the right of voting in every future Senate, and allow him the direction of them, on the preſent occaſion, upon ſuch conditions. There was no reſource, therefore, but to ſubmit the affair to the Emperor and Empire; and when this was attempted

(*) WEDER POSSESSORISCH NOCH PETITORISCH.

in

in vain, the Proteſtant Sub-delegates were under the neceſſity of reſting ſatisfied with making a report of their proceedings to the Proteſtant Body, which was done Feb. 23, 1776. In this ſituation of affairs, as the object of contention was neither removed at Ratiſbon nor by any other means, the meaſure adopted by the Emperor's Commiſſioners at Wetzlar, May 8, 1776, was doubly important, for in a ſhort time, before any other method of adjuſting the affair was determined, they proceeded to make the diviſion of the four Senates.

Nine years were fully elapſed from the 8th of May, 1767, to May 2, 1776, and no other buſineſs tranſacted than merely ſuch as related to the Viſitation itſelf. This was certainly very extraordinary; but the fact may be eaſily accounted for from ſeveral co-operating cauſes. In the firſt place, as there had not been any Viſitation for many years, there was no ſcarcity of work to employ the Delegates, eſpecially as they diſcovered an unbounded zeal, as ſoon as thy entered on the buſineſs, to leave nothing which could poſſibly tend to the reſtoration of a conſtitutional and efficient Court of Judicature without inquiry. The variety of objects which preſented themſelves, each of which was to be examined and ſubmitted to the deliberation of twenty-four different perſons who had the privilege of voting, could not be very expeditiouſly diſpatched; but when we conſider that the twenty-four perſons employed were ſkilled in their profeſſion, and animated by a genuine

BOOK XIII.

zeal for juſtice, that they had now an opportunity offered them of exhibiting their profound learning and integrity, and vied with each other in adding weight to their reſpective opinions by the moſt ſolid and diffuſive arguments, it is natural to ſuppoſe, that the Protocols of votes, which were delivered in ſo elaborate a manner muſt have been prodigious; for, perhaps, there never was an inſtance of any ſubjects being more cloſely and minutely examined, or of any buſineſs being tranſacted in which greater pains were taken to render it complete.

A plan was once in agitation to divide ſome of the buſineſs of the Viſitation among different Sub-deputations or Committees, which would certainly have anſwered the purpoſe; but this plan immediately met with obſtacles which prevented its execution, by a diſpute ariſing concerning the manner of appointing the members. In caſes where it is neceſſary to obſerve a religious equality, it is certainly agreeable to analogy, as well as to cuſtom, to leave the choice of the perſons appointed to the religious party itſelf. On this occaſion it was agreed, that all the twenty-four, or the majority of them, ſhould chooſe the perſons of both religions for each of the Committees. This was the ruin of the plan, and the whole buſineſs of the Viſitation, therefore, was tranſacted by the twenty-four Viſitors without diſtinction, except that there was a particular Referendary, and Con-referendary, to each particular cauſe, who were put in poſſeſſion of the writings, and drew up their opinions

opinions at leisure, which were afterwards delivered in full council in the course of the session, and not unfrequently for several sessions together. CHAP. II.

The real business of a Visitation is to examine the members of the Court in general, and each of them individually, on a variety of points, and discover from their answers the nature of the defects of the Court, and how they may be remedied. On the present occasion it was soon discovered that three of the Assessors had been guilty of mal-practices. It appeared afterwards, that a Frankfort Jew had been speculating, and carrying on a singular kind of trade through this channel, with the Solicitors of the Chamber. A real defect likewise soon appeared in the Court itself; for the *Directorium* of Mentz had acquired an unconstitutional influence in the decision of the causes, by having the arbitrary power of appointing the Assessors of the Senates as he pleased, which had by degrees become an established custom. But before any regulations could be made respecting these and and a variety of other objects, which were submitted to inquiry, several questions arose relative to the continuation even of the Visitation itself, and the manner in which its decrees were to be rendered effectual, which soon evidently discovered how much it was to have been wished, that every thing of this nature had been previously settled at the Diet.

With respect to the progress of the Visitation, it was ordered in the last Recess that there should be five classes, each consisting of twenty-four States,

BOOK XIII.

who ſhould relieve each other; and as ſoon as the Viſitation was finiſhed, proceed to a reviſal of the cauſes. According to this plan, and the mode of tranſacting buſineſs at that time, it was thought that a tolerable number of cauſes might be diſpatched in half a year; it is probable alſo, that ſix months were thought a ſufficient time to tranſact all the buſineſs of the Viſitation itſelf. They allotted a whole year, therefore, for the firſt, and half a year for the remaining claſſes, to relieve each other in ſucceſſion. It appears as if it was taken for granted, that the firſt claſs would not be occupied a whole year in the buſineſs of the Viſitation alone, and that when that was ſettled there would be time to commence the reviſion. The event, however, proved that the members of the firſt claſs could not by any means flatter themſelves with the proſpect of compleating their buſineſs within that period, or that they could even bring it to ſuch a point as to enable them to leave it, to be continued by the next claſs which conſiſted in a great meaſure of totally different States, without materially injuring the whole. Notwithſtanding this, a propoſition was made in December, 1767, that the firſt claſs ſhould be relieved by the ſecond in May, 1768. This, however did not meet with the approbation of the Diet. The ſecond claſs did not ſucceed, therefore, till November, 1774, the third in October, 1775, which was relieved by the fourth in May, 1776. But, alas! juſt as the laſt entered upon the office, the whole Viſitation ſtopped.

The Viſitation had already met with a delay in the manner of tranſacting buſineſs in the months of April and

and June, 1768. Two Resolutions of the Sub de- CHAP. III.
legates were passed, by a majority of votes, which the Imperial Commissary endeavoured to render invalid, by refusing his assent. There is no doubt, but that, if a new law was to be made by an extraordinary or an ordinary Deputation of the Empire, it could not have its legislative force, unless it met with the necessary approbation of the Emperor, any more than at the Diet itself. But in the present case the question only related to the abolition of certain abuses, which were discovered, and against which there were laws of the Empire already. If it had been necessary to have applied for the Emperor's approbation, and he had refused it, the very laws of the Empire which existed already would have lost their validity, an event which would have been of serious consequences to the States in general. In these circumstances the Imperial Commissaries appealed to the Recess of the Empire of 1543;—but I have already observed what was necessary to be said on this subject above (*a*).

No measures could be adopted at Wetzlar now, but to refer the affair to the Emperor and Empire. This was done in a very elaborate report, both from the Visitors and the Chamber itself, in which the vote of each individual member was stated at length (*b*). The affair was discussed at last at the Diet, and a Resolution formed, October 23,

(*a*) P. 126.

(*b*) PULLER's Literature of Public Law, vol. II. p. 183—185.

BOOK XIII.

1775, which was confirmed as an obligatory law by the Emperor, December 15, the ſame year. By virtue of this law the number of twenty-five Aſſeſſors was to be actually completed, and ſeveral new regulations of great importance were made in the internal State of the Chamber, particularly with reſpect to the diviſion of the Senates, and the *Directorium*; but theſe regulations, even to the preſent day, have never been thoroughly adopted.

One of the principal things, which it was expected the Viſitors would attend to, was the adjuſtment of the plan of the ſtatutes of the Chamber which was drawn up and printed in the year 1613. That this buſineſs might be ſeriouſly attended to, ſix Aſſeſſors of both parties of religion were appointed ſoon after the Viſitation was opened to ſuggeſt their ideas, and give their advice on the ſubject. Theſe Aſſeſſors, except one of them, who died before the buſineſs was accompliſhed, performed their part with ſo much induſtry, that the Viſitors had only to put the finiſhing hand to the work, before it was ſubmitted to the Diet to be finally ſettled. But as they were employed in a variety of other buſineſs, they were prevented from attending to this, and at laſt the whole Viſitation was ſuddenly diſſolved, before the ſtatutes were ſettled, and without even the uſual Receſs.

The labours of the Viſitors were greatly increaſed by a particular ſpecies of buſineſs, which affords ſufficient

CHAP. II.

ficient reason for a repetition of the wish, that the whole had been previously and accurately settled, by the legislative power at the Diet. In the year 1730, when there was no such thing as a revision in the Chamber, it was ordered in the Recess, that "when a State of the "Empire had any grievance, or complained of having been improperly treated by the Chamber, he "should make his complaint to the Visitors, that the affair might be properly inquired into, and the grievance "remedied (*a*)." The intention of this was, perhaps, to hint to some of the States who had complained to the Diet, that it would be more proper to have the affair inquired into by the Visitors of the Chamber; but soon after, in the year 1732, when the regular revision was introduced, it was understood that the Visitors could not take cognizance of all the grievances in particular cases of law, which might be legally examined by a Court of Revision, but only of such as related to ill treatment, as an unfair rejection of a presentation, &c. or at most only of such causes which might be submitted to the decision of the Diet itself. There were States enough, however, who took advantage of the literal words of the Recess, which seemed to imply the admission of complaints of every kind, and who submitted their causes therefore to the decision of the Visitors. The method they adopted in such

(*a*) Recess, 1532, § 94. Statutes of the Chamber, 1555, Part I. Tit. 50. § 5. Concept. Part I. Tit. 64, § 20.

cases

BOOK XIII.

caſes as theſe was to require a report of the proceedings of the Chamber; and it frequently happened, that they diſcovered in the end, that the grievances complained of, were totally without foundation; but even then, thoſe who were appointed to be the Referendary and Conreferendary of a cauſe had a great deal of labour, and many an hour muſt have been devoted to a ſingle cauſe, without a ſtep further being advanced, or any point accompliſhed.

The moſt lamentable circumſtance of all, and a circumſtance which ſtill remains without any remedy, was the diſpute that aroſe concerning the part to be taken by the Counts, in the different claſſes of the Viſitors on the Catholic ſide. Since the introduction of the two collegiate votes of the Prelates, and four of the Counts, it had been cuſtomary not to appoint ſingle Prelates or Counts to a Deputation of Empire; but a perſon inveſted with full powers from a whole Bench of Prelates and Counts, in the ſame manner as they exerciſe their right of voting at the Diet. When the expreſſion, therefore, "a Prelate and "a Count," was made uſe of in the liſt of the States who were deputed to each of the five claſſes of the Viſitors, it was certainly only to be underſtood in the ſame manner as Prelates and Counts are admitted at the Diet.—Perhaps ſuch a general expreſſion was made uſe of, that the agreement which might be made among themſelves, reſpecting the appointment of the repreſentatives, might not be anticipated,

for an individual Count could no more be expected to depute a Sub-delegate to the Visitation of the Chamber, than he can invest an Envoy with full powers in the College of the Princes at the Diet. CHAP. II.

If the question related to the attachment of this Collegiate vote, to any particular party of religion, we may suppose that a College of Prelates and Counts, might be as easily considered purely Catholic, Protestant, or mixed, as the Circles and Imperial Cities; but, according to this analogy, only those Bodies or Colleges can be considered of a mixed persuasion, when there is nearly an equal number of both. There are Protestant Burghers in the cities of Cologne, and Aix la Chapelle, and some Protestant States likewise in the Circle of Bavaria; and yet, notwithstanding this, the former are considered as Catholic Imperial Cities, and the latter as a purely Catholic Circle. The Circle of lower Saxony likewise, though the Bishop of Hildersheim belongs to it, is reckoned Protestant; and there are Imperial Cities which contain a number of Catholic inhabitants; and yet, according to the Peace of Westphalia, they do not cease to be considered as purely Protestant. Upon this principle the Prelates of the Rhine, and Counts of Swabia, are reckoned Catholic, although there are several among both who adhere to the Confession of Augsburg; and the Counts of Franconia and Westphalia, on the contrary, are considered as purely Protestant, though they have several Catholic Members.

The

BOOK XIII.

The College of Franconian Counts had always adhered to the Proteſtant party from its origin, and had always a Proteſtant *Directorium*. All the officers appointed by the College, and its Envoy to the Diet, were always of that perſuaſion, and in the preſentation to the Imperial Chamber, that religion was conſtantly adhered to, &c. If any of the Franconian Counts, therefore, afterwards changed their religion, or a County or a Seigniory became ſubject to a Catholic Sovereign, the countries themſelves ſtill remained Proteſtant, and on this account regard was not merely paid to the perſon of the Sovereign, but to the country itſelf; otherwiſe in later times, ſince the introduction of the perſonal votes of thoſe who have no territory at all, members of that deſcription likewiſe might be added to the ſcale, and occaſion the whole College on that account to be reckoned of a mixed religion!

With reſpect to the Counts of Weſtphalia, circumſtances were ſo far ſomewhat different, as there had always been ſeveral Catholics among them; and it was even once in agitation to deliver their vote alternately on the Catholic and Proteſtant ſide; but in many other reſpects, as the Sovereign was in ſeveral inſtances only perſonally a Catholic, and the Catholic Counts had withdrawn their contributions to the Collegiate conſtitution, this College likewiſe was reckoned purely Proteſtant; at leaſt it never could be conſidered either as Catholic or mixed, ſo long as the vote was delivered by a Proteſtant Envoy; for even

even in those instances where the religious quality is alternate, as in the case of the Bishoprick of Osnabruck, the vote can never be reckoned either in a Deputation, or at the Diet itself, as Catholic, when it is delivered by a Protestant Envoy, nor on the other hand, as Protestant, when the turn devolves to a Catholic. CHAP. II.

A Baron Pistorius, who died after the Visitation, December 24, 1778, and was of the Protestant persuasion, delivered the votes of the Counts of Wetteravia, Franconia, and Westphalia, for a number of years. On the contrary, the votes of the Prelates of Swabia, and the Rhine, and the Counts of Swabia, were delivered by a Catholic; so that among the six Collegiate votes, the equality of religion, which is so consistent with the constitution of the Empire in general, is observed with great exactness, without any dispute arising on account of the different persuasion of an individual member. Thus, in the deliberations of the Diet in the year 1766, previous to the Visitation, it was taken for granted, that the Counts of Wetteravia, Franconia, and Westphalia, would relieve each other in the Deputation appointed on the Protestant side; and that on the Catholic side, on the contrary, there could not be any other than the College of the Counts of Swabia. On this account there was no great difficulty for that College to give up its vote to the Elector Palatine, upon the application of that Court, during the session of the first class, which was in negotiation likewise for the

BOOK XIII.

second in the year 1768, for the Court of Bavaria.

But as the seffion of the second clafs was delayed till other deliberations at the Diet paved the way for it, in the months of May and June 1772, and there was not any mention then made of an alteration of the abovementioned divifion of the Colleges into the different claffes in point of religion; nothing could poffibly be more unexpected than the fudden intelligence of a fummons being iffued from the Elector of Mentz, for the College of the Counts of Weftphalia to deliver the Counts vote in the fecond clafs on the Catholic fide.

A circumftance ftill more extraordinary occurred at the opening of the fecond Clafs, November 23, 1774, which was, that a Catholic Sub-delegate from the Counts of Weftphalia attended in the place which was expected to be occupied by the Sub-delegate of the Counts of Swabia, as the only Catholic College of Counts, and his letters plenipotentiary, inftead of being figned by the *Directorium* of the College in general, had only the fignature of a Count of Metternich.

This delegation was unconftitutional and derogatory to the right which the Princes alone enjoy of a perfonal vote, becaufe it is expreffly ordered, that a whole College of Counts fhould only be repreffented by one Collegiate vote. Such a partial innovation as this

this, moreover, could not be defended by the clauſe, which inſures the preſervation of every one's rights, unleſs a clauſe of this nature had the power of trampling upon all rights of poſſeſſion whatever. The Proteſtant Body, therefore, could not conſider theſe credentials as admiſſible. But Mr. Lazarus Caſpar de Wölkern, who was at that time the Sub-delegate from the City of Ulm, and created Aulic Counſellor in 1779, by joining the Catholic votes, occaſioned a majority in favour of the admiſſion of the letters plenipotentiary of the Count of Metternich, and the others, that they might not interrupt the proceedings of the Viſitors; but at the ſame time not ſanction a violation of their rights, continued to perform their duty, although they proteſted againſt the meaſure, and referred it to be ſettled by the Emperor and Empire.

When the third claſs ſucceeded on the 15th of May, 1775, a ſummons was iſſued for the College of the Counts of Fronconia to vote on the Catholic ſide. This was carrying the matter ſo far, that the Proteſtant States, unleſs they were diſpoſed to ſee their members drawn one after the other away from them, had no alternative but to make the Reſolution they did at Ratiſbon, July 26, 1775; viz. to exert their endeavours to keep the Colleges of the Counts of Weſtphalia and Franconia, on the Proteſtant ſide, as they always were; and on that account to determine that the Proteſtant Sub-delegates in the enſuing ſeſſion of the Viſitors, both in the claſs which immediately

BOOK XIII.

diately followed, as well as in all ſucceeding ones, ſhould not enter into any deliberations with any individual Catholic Counts, unleſs they were legitimated by a whole College, and did not deliver a perſonal but a Collegiate vote in the name of all the members; and that if any ſuch appeared, that they ſhould immediately enter a proteſt, and diſſolve the meeting.

The Catholic States formed a Reſolution in direct oppoſition to this, Auguſt 5, 1775, ſo that in this diviſion of the two religious parties, nothing remained according to the Peace of Weſtphalia, but to adjuſt the matter by an amicable accommodation. The Proteſtants yielded ſo far, in conſequence of a negociation between the Courts of Vienna and Berlin, that it was agreed that the Counts of Swabia and Wetteravia ſhould be occaſionally ſummoned to the third claſs, and that a further agreement ſhould in the mean time be made for the fourth and the other claſſes that followed; but not a ſtep further was advanced reſpecting this agreement; on the contrary, the proviſional Convention, which was only deſigned for the third claſs, in conſequence of a declaration from the Emperor, was extended to the claſſes which followed, and the Colleges of the Counts, therefore, of Franconia as well as Weſtphalia were entirely withdrawn from having any concern in this deputation on the Proteſtant ſide.

The

The Principal Commiſſary at Ratiſbon poſitively refuſed to receive, or make any uſe of, the memorial which was drawn up on this occaſion, in the name of the Proteſtant States. They had no reſource, therefore, but to paſs a Decree in confirmation of their former Reſolution, which was done March 12, 1776, and when the fourth claſs was on the point of being opened on the 8th of May, without paying any attention to the memorial, the Proteſtant Sub-delegates could do no otherwiſe than quit the aſſembly. But even this meaſure had ſo little effect upon the others, and was ſo far from producing any conceſſion, that the Imperial Commiſſary withdrew himſelf from Wetzlar, and of courſe, therefore, the Viſitation was entirely diſſolved, without anſwering the purpoſe for which it was deſigned.

I have endeavoured to give a conciſe account of the principal circumſtances attending the Viſitation of the Chamber, which met with ſo unfortunate an end, as far as is neceſſary for the developement of the preſent Conſtitution of the Germanic Empire. The whole hiſtory of it was publiſhed at the time of its diſſolution (*a*), and as it cannot be expected that the ſame opinions ſhould have prevailed among thoſe who delivered the ſentiments of the two parties of religion, one of which thought themſelves bound to defend the rights of the Emperor, and

(*a*) Real circumſtances attending the diſſolution of the Viſitation of the Imperial Chamber on the 8th of May, 1776. Gottengen, 1776.

BOOK XIII. the other the rights of the States; not only publications (*a*) appeared to confute the doctrines advanced in the work alluded to, but, if report may be believed, even the original letters which paſſed upon the ſubject (*b*) were printed with the ſame deſign.

Poſterity alone, perhaps, will be able to form an impartial judgement on the ſubject. Two things alone, however, deſerve in this place to be particularly noticed. An idea prevailed, when an attempt was made to confute the publication in queſtion, that the book ought to have been publicly burned, and the Author puniſhed; but if a compoſition which is printed by authority, and with the approbation of ſeveral Courts, and which contains nothing either in ſubſtance or expreſſion more exceptionable than this, ſhould be ſuppreſſed by ſuch threats as theſe, not only the liberty of the preſs would be endangered, but the freedom of the States themſelves. But even in this reſpect very different opinions were entertained in many places, perhaps, in 1786, than ten years before; when the Proteſtant body did not think the Reſolution ſuperfluous, which they paſſed on the 4th of December, 1776, declaring their determination, "firmly to ſupport and protect all

(*a*) Real Circumſtances, &c. with Remarks, confuted by ——, Vienna, 1777.

(*b*) Collection of Original Letters, tending to illuſtrate the tranſactions of the Deputation appointed for the Viſitation of the Chamber, May 2, 1767. Part I. III. 1777—1779. PÜTTER's Literature of Public Law, vol. II. p. 190.

"thoſe

" thoſe who acted on genuine Proteſtant princi-
" ples, or defended them, and adopt ſuch meaſures
" on all occaſions for their ſecurity as the conſtitu-
" tion and neceſſity allowed."

In both the compoſitions, which were intended as confutations of the work mentioned above, an attempt was made to perſuade the public that the Margrave of Baden had written to the other Proteſtant States at the commencement of the Viſitation, Oct. 9, 1766, and that it was a circumſtance of the greateſt moment. The expreſſions he was ſaid to have made uſe of were, " that they ought to labour " with their united ſtrength, to remove the com-
" plaints which were made againſt the attempts to
" extend the juriſdiction of the Imperial Chamber;
" that the Proteſtant States had the greateſt reaſon
" to be firmly united, and on that accountit ought to
" be conſidered, whether it would not be expedient
" for the Envoys of the Proteſtant Princes, who
" were deputed to undertake the buſineſs in queſtion,
" to enter into a confidential conſultation with
" each other, and agree upon the beſt method of
" inſtructing the Counſellors deputed to the Cham-
" ber at Wetzlar." The concluſion drawn from this was, that the Proteſtant States were not ſo anxious for the adminiſtration of juſtice in the Empire, as for a greater reſtriction of the juriſdiction of the Emperor; and to obtain ſuch prerogatives for themſelves, as they had endeavoured in vain to procure at the time of, as well

BOOK XIII.

well as ſince, the Peace of Weſtphalia. The deſign of this was no doubt to prejudice the reader againſt the Proteſtant States, and draw his attention perhaps from other objects. But, as I have read the particulars of the whole hiſtory of the Viſitation, as contained in the journal of the proceedings in the poſſeſſion of a diſtinguiſhed Court, and am convinced that nothing was kept from me; I muſt ingenuouſly confeſs, that I cannot even remember that ſuch a memorial, which could not eaſily be paſſed over, was ever ſent from Carlſruhe to the Court I am ſpeaking of. So little was the effect, if there was any, upon thoſe Courts, which are ſaid to have been influenced. The States alluded to had nothing but the warmeſt wiſh at heart to eſtabliſh the adminiſtration of Juſtice upon the firmeſt baſis. This was the grand object of their endeavours to preſerve the former ſyſtem; and as the Imperial Court, and all the other States of both religions cannot have any other wiſh, it is the more to be lamented, that any circumſtances, or even the unſeaſonable zeal, perhaps, of a Miniſter, who had adopted bad principles, intervened to induce one party to diſavow the other, and occaſion ſo laudable an inſtitution as the Viſitation of the Chamber to come to ruin.

CHAP-

CHAPTER III.

Remains of the Viſitation; Diſpute concerning the religious Quality of the Vote of the Counts of Franconia, and Weſtphalia; Decree of the Empire of 1775 enforced.

Diſpute continued concerning the religious quality of the vote of the Counts of Franconia and Weſtphalia.—The Diet totally inactive for five years.—The number of aſſeſſors of the Chamber increaſed to 25.—Not fixed before June, 1782.—Decree of the Empire in 1775, reſpecting the Senates in the Chamber.—Evident miſconceptions and obſtacles not removed.—Other ordinances of the Decree of the Empire, to limit the arbitrary power of the *Directorium*.—Various objects, of which the Viſitors were firſt to give a report; but, as the Viſitation was diſſolved, it muſt be firſt reſtored again.—A more accurate legal determination of thoſe caſes, in which Mandates may be iſſued by the Tribunals of the Empire, without proviſional clauſes—as well as the ORDINATIONS, as they are called, which are lately come into frequent uſe in the Imperial Chamber—and how the two ſupreme Tribunals may be prevented coming ſo often into colliſion with each other—ſince the Aulic Council will not allow the Chamber a concurrent juriſdiction in cauſes which concern the *Reſervata* of the Emperor, and the ſtrict obſervance of the Papal Concordate.—On which account freſh diſſenſions have ariſen concerning a demand of the writings and Protocol of the deliberations of the Chambers made by the Imperial Court.—Sincere wiſh that all ſimilar diſſenſions may be removed by the adoption of juſt and uniform principles.

BOOK XIII.

THE Affair of the Counts has not only remained unſettled until the preſent day; but even the Diet itſelf, in conſequence of the diſputes on this ſubject, was rendered totally inactive, from the month of February, 1780, until February, 1785. When Baron Piſtorius, who was the Proteſtant Envoy from the Counts, died, December 24, 1778, a Catholic Envoy immediately attended in his place to deliver the vote of the Counts of Weſtphalia; and his credentials, which were only ſigned by the Count of Metternich, were admitted, while the credentials, on the contrary, which were ſigned by the *Directorium* of the College of the Counts of Weſtphalia, were rejected; and there was ſome ſcruple even of receiving the credentials of the Counts of Franconia without a reſervation. In theſe circumſtances ſo great an oppoſition aroſe between the two parties of religion, that it was impoſſible for the point to be ſettled in any other manner than by an amicable compromiſe. The right of the vote of the Counts of Franconia is ſo unqueſtionably on the Proteſtant ſide, that their whole Body would be loſers, if it was conſidered even as an object concerning which any negociations could be admitted. With reſpect to the Counts of Weſtphalia, the Proteſtants have voluntarily declared, in conſequence of a propoſition which was carried by a majority of the Catholics, that that vote ſhould be alternately delivered in future by a Catholic and Proteſtant Envoy (*a*); but

(*a*) The declaration of the Proteſtant body, May 8, 1784, is in REUSS's Public Chancery of Germany, part VII. p. 350.—

In

CHAP. III.

but, notwithſtanding this, the two religious parties are not yet come to a perfect agreement on the ſubject (*a*), although the Diet ſo far recovered its former ſtate, that, in January 1785, a Proteſtant Envoy was admitted from the Counts of Franconia, with mutual reſervations, to deliver the alternate vote firſt; (*b*) in conſequence of which, ſeveral delibera-

In the ſame work, likewiſe, may be found the Protocol of the conference of the Catholic party, in May 13. 1784. Part VII. p. 363.—July 31, 1784. Part VIII. p. 249 —Auguſt 14 and 26, 1784. Part VIII. p. 308, 315.

(*a*) The moſt violent oppoſition on the part of the Counts of Franconia, was made by Charles Albert, Prince of Hohenlohe.—Schillingsfürſt, who was educated by a Jeſuit, ſuppoſed to be the author of the whole diſpute. Reuss's public Chancery, part X I, p. 389. His oppoſition was made in particular letters, addreſſed to Baron de Borié, the Auſtrian Directorial Ambaſſador, May 18; to the Cathólic Imperial cities, June 2; and in a particular memorial on the ſubject, Dec. 6, 1784. A report, "which was ſpread "in Germany, that Baron de Borié alone prevented this affair, "which was by its conſequences become of ſo ſerious a nature," has been contradicted, in a circular letter from Prince Kaunitz to the Imperial Miniſters in the Empire. Reuss, part IV. p. 331.

The particular circumſtances attending the reſtoration of the tranſaction of public buſineſs at the Diet, occur in Reuss, part XI. p. 387, 426.

(*b*) The Circle of Franconia was very near meeting with the ſame fate, and a ceſſation taking place of the proceedings of the Aſſembly, in Auguſt 1785, on account of this affair of the Count. A Counſellor, Knortzer, attempted to force himſelf by violent means into the meeting of the Diet of the Circle; but application was made by the Circle to the City of Nurenberg, which ſent an officer with a guard to turn him out of the Seſſion room. Reuss, Part XII. p. 354, 382.

BOOK XIII. tions have been ſince carried on, without any further mention of the ſubject (*a*).

Another conſequence of the Viſitation, and a circumſtance which is not yet fully determined, is the difficulty attending the execution of the laſt Decree of the year 1775, as well as ſeveral important objects, which were referred by the Diet at that time to future deliberation. One of the moſt important ordinances of this Decree was, that the number of Aſſeſſors, which then only amounted to ſeventeen, ſhould be increaſed to twenty-five. The Chamber terms were on this account raiſed one fourth, to be paid immediately, that the eight Aſſeſſors might enter upon their reſpective offices at Eaſter, 1776.

(*a*) A Convention was entered into; I. July 23, 1777, by the Circles of Upper and Lower Saxony, and the Proteſtant part of the Four Mixed Circles, reſpecting the future regulation of their alternate preſentation (See Vol. II. p. 452.). II. In the Circle of Swabia, June 25, 1779. And III. in the Circle of Weſtphalia, Oct. 26, 1779, when the doubts which aroſe reſpecting the Proteſtant preſentation of theſe Circles were removed by the agreement of the Proteſtant members of the others. At laſt, IV. it ſeemed neceſſary, after the change which was produced by the extinction of the Houſe of Bavaria, to ſettle whether the Palatine Electorate ſhould in future appoint a Catholic or Proteſtant Aſſeſſor? This was ſettled by the Reſolutions of both parties of religion, by the Catholics, June 30, and by the Proteſtants, Nov. 28, 1781, that the Palatine Electorate ſhould preſent a Catholic Aſſeſſor, and that the Proteſtant Aſſeſſorſhip, thus vacated, ſhould be replaced by the alternate preſentation of a Proteſtant from the three Proteſtant Electoral Courts.

The

CHAP. III.

The greateſt part of the money was collected (*a*), and there were perſons enough preſented, who wiſhed to enter upon the office immediately; but it was neceſſary to remove ſome obſtacles, which aroſe concerning the preſentations, firſt; and it was the opinion of the Chamber, that all the eight Aſſeſſors ſhould take their places at once. This occaſioned a delay until the 1ſt of June, 1782, when they were all admitted, after that the objections, which were made to ſome of the preſentations, were finally removed, by various agreements (*a*).

There was another circumſtance which ſtill procraſtinated the buſineſs, relative to the appointment of the Senates, according to the preſcription of the laſt Decree of the Empire. In order to make this matter intelligible, I muſt premiſe a few neceſſary obſervations (*b*). In the year 1510, ſoon after the inſtitution of the Chamber, an idea prevailed, that it was not neceſſary for all the ſixteen Aſſeſſors, who then compoſed the Chamber, to aſſiſt in awarding a ſentence. It was thought, and I think not without reaſon, that if eight men, of abilities and integrity, were employed in deciding a cauſe, the deſign would be accompliſhed as well, if not better, than by ſix-

(*a*) Statutes of the Aulic Council of Ferdinand III. Tit. I. § II.

(*b*) This ſubject is treated of at large in the hiſtory of the internal Conſtitution of the Imperial Chamber, by J. F. Brandis, particularly with reſpect to the Senates, as an hiſtorical commentary on the 20th and 21ſt articles of the Decree of the Empire of the year 1775. Wetzlar, 1785.

teen,

BOOK XIII.

teen, or a greater number. Eight perſons can certainly communicate their ſentiments more fully and intelligibly, according to the deſign of a collegiate deliberation, than a more numerous aſſembly; and when eight perſons have examined the merits of a cauſe, and delivered their votes, with equal ability and impartiality, it is not very probable that their Colleagues would have it in their power to make many new obſervations, and, if a number of Aſſeſſors are in this manner divided into ſeveral Senates, and each Senate holds its ſeſſion in a ſeparate apartment, the advantages attending their diviſion are evident, as they are enabled to undertake ſeveral cauſes at once.

All this has been fully proved by the experience of the Chamber itſelf; on the other hand, the Aulic Council even has acknowledged, that too great a number of Counſellors (as in the Aulic Council they all ſit at one table) only tends to protract the buſineſs. In the beſt inſtitutions there cannot be too much care taken, leſt, by too great attention to minute circumſtances, thoſe that are of greater conſequence and likely to be more prejudicial, are paſſed over, which ſeemed to be the caſe here; for, as it was agreed that eight perſons were ſufficient finally * to decide a cauſe, it was thought likewiſe that only three or four were ſufficient to give an interlocutory †

* Endurtheil a final, or deciſive judgement.

† Beyurtheil *Arrêt ou ſentence interlocutoire*, an opinion in the courſe of the proceedings.

judgement

judgement in the courſe of the proceſs, or iſſue a ſummons at the commencement of it. Thus, therefore, the Chamber was divided into two different kinds of Senates, judicial as they are called, which conſiſt of eight Aſſeſſors, or, as they were afterwards limited to, ſix; and extra-judicial ones, which conſiſt only of three or four. CHAP. III.

At the time that the Imperial Chamber had only ſeventeen Aſſeſſors in all, the Judge appointed four extra-judicial Senates, three of four, and one of five Aſſeſſors. For the final deciſion of a cauſe two extra-judicial Senates were combined to form a judicial Senate, conſiſting of ſix Aſſeſſors. This combination was at laſt made by the Judge of the Chamber in every cauſe, according to his own pleaſure, by which he acquired a power which has ſcarcely a ſimilar example; for inſtead of appointing members indiſcriminately, as every Director of a College does in general, the Judge of the Imperial Chamber, whenever a cauſe was to be decided, could always appoint ſuch perſons as ſuited his own purpoſe, on whoſe votes the whole buſineſs depended. If he ſucceeded in ſelecting a ſufficient number to form a majority, agreeably to his wiſh, it was intirely in his own power to decide the cauſe as he pleaſed, without having any right, according to law, of voting himſelf.

In order to prevent this, a Reſolution of the Empire was formed, October 23, 1775, which ordered, that

BOOK XIII.

that there ſhould not be a new Senate appointed in future to every cauſe, but that the Chamber, if there were twenty-five Aſſeſſors, ſhould be divided into three perpetual Senates, two of which ſhould conſiſt of eight, and the other of nine members, although they were at the ſame time of opinion, that if one or two Aſſeſſors ſhould be prevented from attending their duty by ſickneſs, or any other cauſe, the other ſix, but no fewer, ſhould proceed with the buſineſs. The expreſſion uſed in the Reſolution or Opinion of the Empire was, that "DEFINITIVE CASES "ſhould ſhould not be finally decided by a leſs num- "ber than ſix Aſſeſſors." It was evident from the contex, and the preceding votes of the States, that the real meaning of this was, that a final deciſion ſhould be made in general by eight Aſſeſſors, but never by a leſs number than ſix. The Chamber adhered ſo literally to the words of the Decree, that although three Senates were appointed, and each of eight Aſſeſſors, yet there were never more than ſix left to give judgement.

When the Reſolution of the Empire was made, many of the States were of opinion, that the diſtinction between judicial and extra-judicial Senates ſhould be wholly aboliſhed, and all cauſes determined in the ſame Senate, only with this reſtriction, that if there ſhould be a leſs number than ſix Aſſeſſors preſent, owing to ſickneſs or any other hindrance, the others ſhould not give final judgement, but only anſwers to points of law in the courſe of the ſuit, iſſue

citation, &c. But it was propoſed by ſome, that interlocutory judgements and extra-judicial decrees, when a State of the Empire was concerned, ſhould always be made by ſix Aſſeſſors, and the cauſes of private perſons left to the deciſion of four. That in ſuch caſes, therefore, the ſupernumerary Aſſeſſors ſhould leave the Senate, and adjourn to a ſeparate table * to give anſwers on points of law which only concern the external form of the proceſs, as when the queſtion relates to an application for the trial to be deferred, charges of diſobedience to citations, &c. New difficulties and obſtacles have very naturally ariſen here likewiſe, which require the interference of the legiſlative power again; and it muſt have been obſerved, that owing to theſe obſtacles, fewer, or at leaſt not more, cauſes have been decided ſince the year 1782, by the twenty-five Aſſeſſors, than were formerly decided by ſeventeen. The Chamber at laſt adopted a proviſional regulation, that extra-judicial cauſes, as they are called, by which is underſtood the commencement of a proceſs, ſhall be tried on Mondays and Tueſdays, in ſix Senates, conſiſting of four, or in three Senates of ſix Aſſeſſors, and that judgement ſhall finally be given on the other four days. The cuſtom of withdrawing to give an interlocutory judgement, is ſomewhat diminiſhed, but not wholly aboliſhed. It ſtill, however, often happens, that the Aſſeſſors remain unemployed during the ſeſſion of the Senates, and that the Senates do not, as was deſigned by the decree, conſiſt of the

* Beſchleidtich

ſame

BOOK XIII.

same persons, because it is incumbent on each of them as soon as he has made his relation of a cause to adjourn to the table where the answers are given to the questions of Law.

The Decree, moreover, was certainly designed to prevent the *Directorium* from having any illicit influence in any particular law-suits in future, either by an artful appointment of the Senates, or by any other means. For this purpose it was ordered, that the writings should be divided among the three Senates by lot; but that the Referendary should be appointed by the Judge; so that it could not any longer depend upon the Judge to nominate the Assessors, and chuse the cause to be decided; but the Referendaries were to succeed in their turn according to their rank; and with respect to the causes which came on for trial, a particular rule was to be observed, to determine which should be examined first. It was ordered likewise, that the Judge of the Chamber, and the two Presidents, should alternately preside in the Senates for one year.

With respect to those affairs which were referred by the Diet to a future deliberation, it was ordered by the Decree, that a report should first be made from the Visitors; but as the Visitation was dissolved, a new question arose, Whether the Diet should proceed with the enquiry into those subjects without a report? or whether an attempt should not first be made to re-establish the Visitation itself? The latter would in many considerations certainly be most desirable.

Many

Many things, which it would be neceſſary to enquire into, could, doubtleſs, much better be ſettled on the ſpot than at ſuch a diſtance as the Diet is from the Chamber; but if the Viſitation ſhould be revived, no honeſt German can conceal his wiſh, that all the impediments which have hitherto interrupted its progreſs, and which were for the moſt part left unremoved by the deliberations of the Diet being broken off in 1766, may be previouſly enquired into, and every neceſſary regulation entirely ſettled.

To give ſome idea of the importance of the objects of our preſent conſideration, I will only mention a ſingle point or two without going too far in the extenſive and almoſt immeaſurable field of the Law. It is certainly one of the moſt univerſal rules obſerved in the adminiſtration of Juſtice, and very juſtly, that no defendant in a cauſe can be obliged to conſider the plaintif in the right, merely upon his partial relation, before the cauſe is examined, becauſe no Judge can previouſly know whether the account of the plaintiff be juſt, and whether the defendant may not have ſubſtantial reaſons, perhaps, to urge in his own defence. This rule will admit of very few exceptions, and thoſe only in caſes where there is ſufficient evidence of an act of violence by which a perſon attempts to remedy himſelf, and force another out of his poſſeſſion; or, in the caſe of an action on account of a poſitive breach of a contract, againſt which no pleas can avail, except in another

BOOK XIII.

ſuit after the payment of the ſum demanded. In both theſe caſes it has been thought adviſable to allow of two different kinds of ſuits, which reſpect poſſeſſion and execution, in which the proceedings are ſhorter than in the former ordinary proceſs, and the defendant is only allowed to proſecute his cauſe with fictitious pleas, and prolix proceedings in a ſeparate ſuit. According to the legal proceedings of the Empire, as they are ordered in the ſtatutes of the Imperial Chamber, and other laws, the ſupreme Tribunals may iſſue penal mandates in caſes of this nature, which cannot be ſo much objected to, if they contain a clauſe, or proviſo, that in caſe the defendant thinks himſelf aggrieved, he may put in his plea againſt it; by which the mandate is of itſelf converted into a meer citation; but when mandates are iſſued without this clauſe, and the execution of the ſentence is immediately to follow; this is more exceptionable, eſpecially if any one thereby loſes the poſſeſſion of his property, and is not until after that, at liberty to proſecute his right.

With reſpect to the two ſupreme Tribunals of the Empire, there is another circumſtance, that in caſes where mandates are iſſued without the clauſe, the ſtatutes of the Chamber order, that there ſhall be no reſort to a Court of Auſtregues (*a*). On this account it is no uncommon thing for a party which is plaintiff to endeavour to procure a mandate with-

(*a*) Vol. II. p. 242—361.

out

out the clauſe, in order to prevent a recourſe to the Auſtregues, and perhaps an averſion to this reſort is one great reaſon why applications for mandates of this kind are often attended to, where, in point of equity, they ought not to be. This circumſtance has occaſioned many appeals to the Diet; it was worth while, therefore, for the Legiſlative Power to make a more accurate diſtinction of the caſes in which mandates may be iſſued without clauſes, as that is one of the points recommended by the laſt Decree. CHAP. III.

In order to eſcape the complaints reſpecting mandates, the Aulic Council has recourſe ſometimes to an expedient peculiar to that Court, by iſſuing a Reſcript in the name of the Emperor, and with his own ſign manual, which is expreſſed in more refined terms than the mandates uſually iſſued, as for inſtance; "The Emperor confiding "in the love which the defendant has for juſtice, and "his good diſpoſition, hopes that he will be in-"clined of himſelf to remove the cauſe of the com-"plaint againſt him in the manner preſcribed." Such Reſcripts as theſe, which are much oftener made uſe of by Courts and Miniſters of State than by Tribunals of Juſtice, are not adopted by the Chamber, where all the proceedings are only according to the common forms of law; but even there they have attempted to imitate the ſtyle of writing made uſe of in the Emperor's Reſcripts in the extra-judicial Decrees, as they are called, in which the pleas of the plaintiff are either admitted, rejected, or the

BOOK XIII.

cauſe put off upon certain conditions. Thus, for inſtance, the Palatine Court, when the Imperial Chamber admitted an action, *en fait de nullité*, from a civil officer of the name of Heiler, againſt the Elector, and iſſued the uſual citation, appealed to the Diet, and prevented the plaintiff from accompliſhing his purpoſe. Soon afterwards an action of the ſame nature was brought by a man of the name of Ulſaner, againſt Clement Auguſtus, Elector of Cologne, and the Chamber iſſued a Decree, the contents of which were nearly theſe: "For the "preſent rejected; but it is hoped, from the Elector's "regard for equity, that he will be diſpoſed to al-"low the plaintiff a legal hearing, and do him "juſtice;" by which the man obtained his ends. Theſe Edicts were called ORDINATIONS, and were afterwards very frequently applied for, and granted, although they were not authorized by any poſitive law; and as they were only Decrees, or Judgements, after the relation of one party, it was very eaſy to err, on which account it was proper to make ſome regulations reſpecting them.

It frequently happens likewiſe, that the two ſupreme Tribunals of the Empire, owing to their concurrent juriſdiction, come into colliſion with each other, which, according to the univerſal principles of policy, can never be approved of. As far as it is left at the option of a party to commence a ſuit either in the Imperial Chamber, or the Aulic Council, it is certain that the Court where a cauſe is firſt regiſtered has

has a prior right to decide it; but notwithſtanding this, there are not only frequent miſtakes, which are not eaſily rectified, but in many caſes the Aulic Council even diſpute the concurrent juriſdiction of the Chamber; and the pretenſions of the former are ſupported by the Imperial Court, and the latter by the States of the Empire. I have already mentioned a diſpute of this kind, the adjuſtment of which depends upon the authentic explanation of a paſſage in the Chamber Statutes, reſpecting ſuch cauſes as concern entire Principalities, which the Electoral College recommended to the attention of the Diet in the year 1742; and the Decree, which was paſſed in 1775, referred the diſpute concerning the juriſdiction of the two ſupreme Tribunals in general, to be more accurately ſettled by the Legiſlative Power.

The Court of Vienna ſeems to appropriate all cauſes which concern the *Reſervata* of the Emperor, or where the laws recommend any affairs to his attention, as immediately belonging, to the Aulic Council, with a total excluſion of the juriſdiction of the Chamber, although nothing can be more certain than that all affairs whatever, which come under the Emperor's cognizance, belong as much to the Imperial Chamber as to the Aulic Council, unleſs the Chamber be expreſsly excluded by any laws of the Empire. Thus in a diſpute which aroſe between a Baron Weichs and a Baron Collenbach, concerning the Provoſtſhip of Hanſinne, which the Biſhop of Liege had given to

BOOK XIII.

the former, whereas the latter endeavoured to procure it by means of a Papal preſentation, a mandate was iſſued, and ſerved by the Chamber, on the application of Baron Weichs, as well as the Biſhop himſelf; upon which Baron Collenbach procured another Decree from the Aulic Council, in which it was expreſsly declared, that this cauſe neither came under the cognizance of the Imperial Chamber, nor of the Official at Liege, but of the Aulic Council alone; perhaps becauſe the queſtion was to be decided by the Concordate with Rome, the enforcement of which was recommended in the Emperor's Capitulation (*a*).

This event not only occaſioned the Biſhop of Liege to appeal to the Diet in 1780 (*b*), but has been productive likewiſe of other conſequences, which have been more alarming. In the year 1785, the writings of this proceſs, and the protocol, or journal of the deliberations of the Chamber on the ſubject, were demanded in the Emperor's name. In oppoſition to this meaſure, the Chamber appealed to ſeveral laws, which declare that the Aſſeſſors are not bound by any particular Imperial Reſcripts, and that no cauſe depending in that Court can be withdrawn, the proceedings annulled, prohibited, or by any means interdicted, &c (*c*). This has been thought of great importance, on account of the

(*a*) Reuss's State Chancery, Part I. p. 103, 119.

(*b*) Reuss's Collection of Caſes of Law, P. I. p. 158.

(*c*) Chamber Statutes, 1755. Part II. Tit. 35.—Reuss. 1654, Capitulation, Art. 16, § 7.

freedom of voting of the Aſſeſſors, whoſe ſuffrages ought to remain a ſecret with the Court; and ſtill more important, as it was an object concerning which the juriſdictions of the two Tribunals came into colliſion with each other, and where no partial regulation can have any weight. Several of the moſt diſtinguiſhed Courts of Germany have, on this account, thought it neceſſary to ſend a ſpirited memorial on the ſubject to the Chamber itſelf, in order to preſerve the rights of the States. CHAP. III.

It is certainly to be wiſhed, that the ſame fixed principles were obſerved in all affairs of this nature by the Emperor and Empire, ſince a Monarch whom all Germany honours as its ſupreme head, can derive no advantage from allowing a Miniſterial influence in the deciſion of the law-ſuits of individuals; and it muſt be an object with all parties, to preſerve a regular and unbiaſſed adminiſtration of juſtice, without any partiality or ſecret influence, in both the ſupreme Tribunals of the Empire.

CHAPTER IV.

Redreſs of Religious Grievances.

A new article, inſerted in the Capitulation of 1742, to redreſs the religious grievances—and a laudable declaration from the Emperor Joſeph II. occaſioned by an Electoral Collegiate addreſs in 1770.—A Deputation of ſix Proteſtant States, appointed to put the regulation in force, in 1770,—the ſums levied to defray the neceſſary expences, almoſt exhauſted in 1784.

TWO objects of great importance came into diſcuſſion immediately after the Emperor's election. One of theſe was the complaints made by one religious party againſt the other; and the other, the various grievances which the Catholic States themſelves laboured under according to their own hierarchical ſyſtem.

Notwithſtanding the good underſtanding, which prevailed before the war of ſeven years between the Houſe of Auſtria and the Courts of Great Britain and Hanover, had perhaps frequently occaſioned the grievances, complained of by the Proteſtant States or their ſubjects, to be entirely remedied, or at leaſt alleviated; ſtill the number of theſe religious grievances had increaſed ſo prodigiouſly during the reign of Charles VI. in the Palatinate and other countries, that

that the Electoral College was induced at the election of Charles VII. to insert a particular article on the subject in the Capitulation. This article has been retained in all the later Capitulations, and was drawn up by the labours of the Barons Spangenberg and Münchhausen, who were the Ambassadors from the Electors of Treves and Brunswick to the Congress of election, in the following terms: "Where the adherents to the Confession of Augs- "burg think themselves aggrieved, contrary to the "Peace of Westphalia, or other laws of the Em- "pire, and memorials are presented on the subject "by the Protestant States, including the Free Im- "perial Nobility, either collectively or separately, "to his Imperial Majesty, he shall without delay "decide the question in dispute, agreeably to the "aforesaid laws, inform the Protestant States of his "decision, and immediately put it in execution. "He shall not, by any means, allow law-suits in af- "fairs of religion, but abide by the fundamental "laws of the Empire, and see that the religious "grievances still subsisting be remedied in the most "expedient and constitutional manner (*a*)."

Obligatory as this article appears, yet it was not observed to produce the smallest effect in either of the succeeding reigns. For this reason further application was made in a Collegiate address to the Emperor Francis I. at the election of Joseph II.

(*a*) Capitulation, 1742, Art. I. § 11.

BOOK XIII.

" not only to adopt measures to remove all the religious grievances according to the contents of the " Capitulation in the most expedient manner; but to " prevent them as much as possible; and to promote " the welfare, and preserve the internal tranquillity " of the Empire in future." The Emperor likewise immediately issued his commands to the supreme Tribunals, to bring the causes depending in those Courts respecting religion to a legal issue, and Joseph II. declared afterwards, in a Rescript sent to the principal Commissary at the Diet, January 8, 1769, in answer to a memorial of the Protestant Body, and in terms which did him the highest honour, " that it was his Majesty's intention to allow " that all those who complained of grievances with " respect to religion, as soon as they brought their " causes to a trial, and received judgement in their " favour, according to the forms of law, setting " aside all prolix proceedings, should have judge- " ment awarded, and put in execution immedi- " ately, before any other cause whatever."

The members of the Protestant Body, encouraged by such a declaration as this, were animated with fresh courage, and, in order that they might contribute every thing on their part to relieve the supreme Tribunals of the Empire as much as possible, and even to prevent their being troubled with any groundless complaints, resolved, April 11, 1770, upon the appointment of a Deputation, consisting of six States of

of their own perſuaſion (*a*), and a perſon ſkilled in the law to conſult, that all the religious grievances, in which either the ſupport or interceſſion of the Proteſtant States was applied for, might firſt be thoroughly examined. It was their intention to aſſiſt in bringing the neceſſary authorities for acting, and the evidence on the part of the aggrieved parties, which are very often wanting in both the ſupreme Tribunals, into proper order, and then to direct them to bring their ſuit, or continue it, in one of thoſe Courts. The expences neceſſary for this purpoſe were raiſed by the free contribution of each of the States (*b*). Twenty cauſes came under the cognizance of this Deputation before November, 1784, but of theſe, only ſix could be brought to trial in the Courts of Judicature, and

(*a*) The States were the Electors of Saxony and Brunſwick, the Landgrave of Heſſe-Caſſel, the Counts of Wetteravia, and the cities of Ratiſbon and Heilbron. A full account of the whole affair occurs in WALCH's Modern Hiſtory of Religion, vol. I. p. 251—292.

(*b*) Theſe contributions, as they were paid from the 27th of September, 1770, to the 13th of February, 1771, according to an account of December 31, 1784, amounted altogether to 7474 Florins, 12 Cruitzers, of which 854 Florins remained at the end of the year 1784. To this ſum the Elector of Brunſwick contributed 900 Florins; Holſtein-Gluckſtadt 404 Florins, 24 Cruitzers; Holſtein-Gottorp 400 Florins; Hamburg 400 Florins; Brunſwick-Wolfenbuttel 360 Florins; Naſſau-Orange 300 Florins; Elector of Saxony, Mecklenburg-Schwerin, Heſſe-Caſſel, Mecklenburg-Strelitz, Heſſe-Hanau, each 180 Florins, &c. The Court of Berlin contributed nothing.—REUSS's State Chancery, Part X. p. 151—180.

it

BOOK XIII.

it is ſtill an object of the warmeſt wiſhes and hopes of Germany, that the preſent tolerating principles of the enlightened Catholics may be univerſally diffuſed, and, that in imitation of the ſublime example of Joſeph II. the ſources themſelves of the religious grievances may by degrees be totally deſtroyed.

CHAP.

CHAPTER V.

Revolutions in the Catholic Church, particularly occaſioned by the Abolition of the Order of the Jeſuits.

Complaints of the Catholic Church of Germany revived againſt the Court of Rome—particularly in conſequence of a diſpute between the Biſhop and Chapter, and the Dean of the Cathedral of Spire—which the Papal Rota endeavoured to ſettle at Rome omitting the reſort to the Archiepiſcopal Court of Mentz—The Pope yields in conſequence of an Electoral Collegiate memorial to the Emperor—The contents of this memorial not wholly obſerved—A more perfect edition of the Concordate publiſhed, together with the Inſtrument of acceptance of the Decrees of the Council of Baſil—and a book under the name of Juſtinus Febronius, highly prejudicial to the Papal power—The three Spiritual Electors renew their complaints againſt the Court of Rome—but without the ſupport expected from the Emperor—The moſt important revolutions occaſioned by the abolition of the order of the Jeſuits—by which the country becomes more enlightened, and a greater ſpirit of toleration prevails among the people, which begins to produce important conſequences—in ſome meaſure in the reign of Maria Thereſia, but more under Joſeph II. in his hereditary dominions of Auſtria—Although many Ex-Jeſuits are ſtill active in Germany—and the order ſtill finds means of diffuſing its influence under the protection of Ruſſia.

THE Catholic part of Germany ſtill continued to labour under many grievances, which it had long ſuffered from the Court of Rome, and which a particular event at this period occaſioned an attempt to redreſs.

A va-

BOOK XIII.

A variety of disputes had arisen between the Bishop of Spire and the Chapter, an accommodation of which was attempted in the year 1760, but met with opposition from the Count of Limburg-Styrum, who was then Dean, and succeeded to the Bishoprick in 1770. The contest was carried on with such violence between the Chapter and the Dean, that the latter was at last suspended from his office, upon which he appealed to the Metropolitan Court of Mentz, and procured an order for his restoration. This order, however, was not attended to; the Chapter appealed on the other hand to the Papal Rota *, and met with such success, that the Pope not only prohibited the favourable sentence of Mentz from being put in execution, but insisted upon the cause being brought immediately to trial in his own Court, in the so-denominated *signatura justitiæ locq gratiæ*, omitting the resort to Mentz entirely.

The Court of Mentz considered this measure as a grievance, because the proceedings of Rome were contrary to the Decrees of the Council of Basil, which had been admitted by Germany, and against

* *Rota*, the name of an Ecclesiastical Court at Rome, composed of twelve Prelates, one of whom must be a German, another a Frenchman, and two of them Spaniards; the other eight are Italians, viz. three Romans, and the remaining five a Bolognese, a Ferraran, a Venetian, and a Tuscan. This is one of the most august tribunals in Rome, and takes cognizances by appeal, of all causes in the territory of the Church, as also of all matters beneficiary and patrimonial.

the

the Concordate, which was founded upon them. A memorial was sent to the Emperor upon this subject by the Electoral College at the election of Joseph II. in which it was represented "how necessary it was "to check the encroachments on the liberties of the "church of Germany, and suffer them no longer; "that they had not the smallest doubt of the personal "disposition of the Pope, but had more reason on "that account to complain of the Court of Rome "in general, and its Tribunals; particularly of the "appeals which were admitted there, and the cita- "tions which they issued, and to request him not "to allow of such Tribunals which were not autho- "rised by custom, but to expedite the negociations, "which were promised to be entered into with that "view, at the Diet at Augsburg in 1530, and to en- "force the Resolution made by the Empire, so late "as the year 1719 (*a*)."

CHAP. V.

This

(*a*) The Emperor Charles V. had already promised in the Recess of 1530, § 132, to attend particularly to the complaints which had been made at several Diets, by the people of Germany against the See of Rome, in order to procure a redress of their grievances, and grant their just request (Collection of Recesses of the Empire, Part II. p. 326). This negociation with the Papal Chair, which has not yet attained its end, was recommended again, in the memorial from the Electors mentioned above. Since that the Emperor Joseph has issued several orders to the Officials at Liege, Cologne, Paderborn, and Munster, September 5, 1707, not to allow of any appeals to, or citations in secular affairs from, the Court of Rome, or the Pope's Nuncios. (These orders likewise are added as an appendix to the Emperor's Commissorial Decree of the 24th of May, 1719, Numb. 6—13

BOOK XIII.

This memorial from the Electors had such effect, that the Court of Rome immediately yielded in the affair of Spire. The Dean was restored to his office, and the trial of the cause referred even to the Court of Mentz (*a*). All this, however, appeared only as a prelude to events of much greater consequence,

5—13 in PACHNER DE EGGENSTORF's collection of the Decrees of the Empire. Part IV. p. 84—91). These ordinances were inserted by Charles VI. in reference to the Report of the Visitation of the Chamber of 1713, respecting illegal appeals and citations, in higher ecclesiastical Courts of Judicature, in the Commissorial Decree of May 24, 1719, by which he declared his intention to the States to use his endeavours in favour of the Chamber, if that Court was directed to comply with the abovementioned ordinances. (Collection, &c. part IV. p. 342 SCHMAUSS, *Corp. Jur. Publ.* p. 1285). Nothing further was mentioned, however, on the subject in the Resolution of the Diet, December 15, 1719, except "that the Diet, after a further deliberation, "would submit the Resolution mentioned in the Commissorial "Decree to his Imperial Majesty." (Collection, &c. part IV. p. 347, SCHMAUSS. p. 1293). This is the Resolution therefore, the observance of which is recommended in the Collegiate Memorial, and which is still to be expected. The present period, 1786, appears particularly adapted to this, as it is now in agitation to send a Nuncio to Bavaria; and Joseph II. to quiet the Catholic part of Germany, has declared, that the Papal Nuncios shall not be allowed any jurisdiction, nor be suffered to infringe the rights of the Archbishops and Bishops. It would be well worth while to confirm this by a Decree of the Empire. The abovementioned Collegiate Memorial of March 19, 1764, occurs likewise in the Journal of the Proceedings at the Election of Joseph II. p. 68 and 87; and with the Electoral Votes in MOSER's Religious Government, p. 742—749, as well as HEN. FERD. CHRIST. DE LYNKER's Journal of the same proceedings, with the Protocols annexed, &c. Amst. 1783, p. 184—305.

which ſeem likely to take place with reſpect to the Courts of Rome and Germany at ſome future period. CHAP. V.

It had been obſervable for ſome time, in the literature of the Catholic part of Germany, that the pretended Decretals of Iſidorus (*a*) were no longer in in ſuch eſtimation as formerly; of courſe, therefore, that different ideas prevailed, with reſpect to the relation of the Archbiſhops and Biſhops of Germany to the Papal See, the immunities of the Clergy, and a monaſtic life, at leaſt the Catholic authors were no longer ſo reſerved upon the ſubject. Even the law-ſuit, in which the Dean of Spire was engaged, contributed in no ſmall degree, perhaps, in the year 1763, to the publication of a new and perfect edition of the Concordate, between the Holy See and the Germanic Empire, in which the original inſtrument of acceptance of the Decrees of the Council of Baſil was printed for the firſt time, by which it appeared, that the real Concordate did not merely conſiſt of what the Pope had given his conſent to, at Aſchaffenburg in 1447, but of ſeveral Bulls likewiſe, which were granted in 1747, and gave the Catholic part of Germany a great advantage over the Holy See (*b*). A book like-

(*a*) The Pope's Decree of September 4, 1764, is printed in Pütter's Caſes of Law, Book I, part II, p. 316. The Convention which was entered into afterwards on the affair itſelf is in "Cramer's Leiſure Hours at Wetzlar," Part LXVIII, p. 100.

(*a*) Vol. I. p. 96—101.

(*b*) Vol. I. p. 336—338; and Pütter's Literature of the Public Law of Germany. Part II. p. 486.

wiſe

BOOK XIII.

wise was published in the year 1763, on the real state of the church, and the lawful power of the Pope, under the assumed name of Justinus Febronius (*a*), by John Nicholas de Hontheim, the acting or Vice Bishop of Treves, a book which made a great alarm throughout Europe, and which must have been in the highest degree obnoxious to the See of Rome, as it reduced the Papal power to much narrower limits by substantial and learned arguments (*b*).

But a circumstance which had apparently a much greater effect than this, was, that the persons who were authorized by the three Spiritual Electors to act, of whom Baron Hontheim was one, met at Coblenz, and drew up thirty one articles (*c*), which were presented to the Imperial Court, with the view of restoring freedom to the church of Germany, and destroying the usurpations of the church of Rome. The storm,

(*a*) JUSTINI FEBRONII *de statu ecclesiæ et legitima potestate Romani pontificis*, liber singularis *ad reuniendos dissidentes in religione Christianos* compositus. Bullion. 1763.

(*b*) Baron Hontheim was obliged, Nov. 1, 1778, to retract some positions in his book that were offensive to the Papal Court, which Pius VI. publicly announced to the College of Cardinals on Christmas day, 1778. But whether the impression made by the arguments, contained in Febronius, and particularly the idea of the invalidity of the Isidorian Decretals, which was diffused among the Catholics, was removed thereby, is another question. WALCH's History of Religion at the latest periods, Part VII. p. 195 and 455. HONTHEIM *commentarius in suam retractationem*. Frankfort, 1781.

(*c*) LE BRET's Magazine for State and Church History. Part VIII. Ulm. 1783, p. 1—21.

however,

however, which seemed now to gather round the Holy See, was dispersed by a declaration from Vienna, "that "his Imperial Majesty could not on this occasion interfere in the grievances complained of; but advised each of the Archbishops to make immediate "application to the Pope himself, and lay his grievances before him (*a*)." A few years afterwards another event occurred, which paved the way for great revolutions in the Catholic church in general. CHAP. V.

Dark clouds had been collecting for many years about the Jesuits, in several Catholic countries; but that their dissolution was so near, that a Bull should be suddenly issued by Pope Clement XIV. July 21, 1773, to abolish the order entirely, after the attempt had already been made in several particular countries, and the order had made itself absolutely necessary to the See of Rome, as the greatest support of the Catholic Hierarchy in general was scarcely to be expected; but so it happened: neither did the bull merely make its appearance; it was punctually complied with in almost every Catholic country. Their landed property was in most places confiscated by the government, or else the revenues of their estates were applied to charitable purposes, as the support of hospitals, churches, or schools.

It was difficult to supply their places in the schools, which the Jesuits superintended, though applications were made for the vacant offices, by the clergy of other religious orders, or parochial ministers; but, in order to

(*a*) Le Bret. P. 21.

BOOK XIII.

remedy this difficulty, ſeminaries were inſtituted, that there might be no ſcarcity of able men in future. This plan was evidently attended with good effects, and the ſyſtem of education was in many places conſiderably improved. Every one viewed the proſpect of the diffuſion of more enlightened ſentiments with pleaſure. Exaggerated ideas of the power of the Pope, a ſuperſtitious attachment to a monaſtic life, falſe pretenſions to devotion, prejudices againſt the religious perſuaſions of others, and the ſpirit of intoleration and perſecution, which had ſo long prevailed, viſibly declined (*a*).

The Empreſs Maria Thereſia herſelf, approved even of many of the ſteps now taken, which but a few years ago would ſcarcely have been thought of; and yet theſe were but faint preludes to the gigantic ſtrides of her great ſucceſſor, which not even the viſit of Pope Pius VI. to Vienna, in the year 1782, was able to pervert.

The Ex-Jeſuits, notwithſtanding this, continued in many places to preſerve their former ſyſtem, habited in other dreſſes, and under feigned names, in the character of parochial clergy. Many individuals among them continued in the poſſeſſion of the confeſſionals of perſons of diſtinction, and the pulpits

(*a*) Many remains of Jeſuitiſm are pointed out with great ability and plainneſs in a book, which I have often quoted, called, "Letters of a Layman, on the weeds ſcattered during the epoch "of the Jeſuits, written by a Catholick." Frankfort and Leipſic, 1785.

of the moſt frequented churches; others became profeſſors in univerſities, ſuperintendants of ſchools, private tutors, travelling companions, authors, editors of periodical publications, or had recourſe to other means of employing their talents, and exerting the ſame influence as formerly, in the affairs of diſtinguiſhed Courts (*a*). CHAP. V.

Their number annually decreaſed by the death of individuals, which, in all probability would ſoon have totally extinguiſhed the order; but, ſince the year 1779, this ſociety ſeems to have acquired a kind of immortality, by the conduct of Catharine of Ruſſia, who not only oppoſed their diſperſion in that part of Poland which fell to her ſhare, but gave them an opportunity of perpetuating the rules of their order, by permiting them to admit novices, under the command of a Vicar General, who was newly elected, and inveſted with the full power of a Commander in Chief (*b*).

(*a*) An account of the attempts, made by ſecret ſocieties, under the direction of private leaders, to keep up the ſpirit of a Jeſuitical connection, and encourage it wherever it was poſſible, even among Proteſtants, which have been expoſed in the Berlin Journal, in a Book called ANTINICAISE, and ſeveral others, has been given in a late anonymous publication, entituled, "A "full Account of Jeſuitiſm, as it exiſts at preſent, the Principles "of the Roſicruſians, the Rage to make Proſelytes, pro- "mote a Union of Religions," &c. Germany, 1786—8.

(*b*) When Poland was divided, in 1773, and ſix Colleges of Jeſuits, and houſes for Miſſionaries, which belonged to

BOOK XIII.

the Province of Maſuren, became ſubject to Ruſſia, ſoon after which the order was aboliſhed, the Provincial of Maſuren appointed Staniſlaus, Czerniewicz, the Rector at Polozk, Vice-Provincial in his ſtead, in White Ruſſia. This perſon was born of a good family, Auguſt 15, 1728, in the Great Dutchy of Lithuania, and entered into the order in his fifteenth year, at Wilna. After this he reſided many years at Rome, with Laurence Ricci, the laſt general, ſome part of the time in the capacity of Subſtitute, and the reſt as Procurator General of the Poliſh quarter; and in 1770 he was made Rector of the Jeſuits College at Polozk. At this place permiſſion was given by Pope Pius VI. Auguſt 15, 1778, with the ſanction of the Empreſs of Ruſſia, and by the Archbiſhop of Mohilow, June 28, 1779, to open a houſe for the reception of Novices. The Jeſuits of White Ruſſia held a general meeting, July 4, 1782, at Polozk, and elected their Vice Provincial, Vicar General, with the full power of a General of the Jeſuits, October 17, 1782. After his death, which happened July 18, 1785, Gabriel Lemkiewicz, the Rector, and firſt aſſiſtant, ſucceeded to his office. This account is taken from the Berlin Journal, called the MONATSCRIFT, of November, 1785, p. 418, and the newſpapers of Warſaw.—It occurs likewiſe in the account of Jeſuitiſm, &c. mentioned above, p. 183—196.

CHAP.

CHAPTER VI.

Extinction of the Houſe of Bavaria; and the War occaſioned by that Circumſtance, which was terminated by the Peace of Teſchen.

The Elector Palatine aſſerts his right of ſucceſſion to the dominions of the Elector of Bavaria, on the extinction of that Houſe—Auſtria lays claim to Lower Bavaria,—and to the vacant fiefs of the Empire and the Crown of Bohemia.—The claims are oppoſed by the Duke of Deuxponts.—The King of Pruſſia ſupports him as well as the claims of the Electoral Houſe of Saxony and the Duke of Mecklenburg.—The diſpute occaſions a war.—Memorial of the Ruſſian Court of great weight—ſo that a peace was concluded at Teſchen through the mediation of Ruſſia and France—by virtue of which, Auſtria acquires a diſtrict of land between the rivers Danube, the Inn, and the Salze.—The Elector of Saxony compenſates for the perſonal inheritance, for ſix million of Florins — the expectation of the privilege *de non appellando*, granted to the Duke of Mecklenburg—The temporary oppoſition to the future reunion of the Brandenburg Principalities, in Franconia, to the Electoral Houſe totally removed—The Peace of Teſchen not only guaranteed by France and Ruſſia—but confirmed by the Diet —only with the reſervation of other evident rights—which ſeveral States of the Empire had already claimed at Teſchen, and at Ratiſbon—Thoſe which reſpected Salzburg, and Donawerth in particular, ſettled by ſeparate Treaties.—The conſent which was required of the two ſuperior Colleges, reſpecting the vacant fiefs, granted—to which the Emperor aſſents—The peace not only drawn up in French, but ſubmitted to the Diet without any tranſlation.

BOOK XIII.

NO political event, which occurred in the reign of Joseph II. was of more consequence to Germany than the death of Maximilian Joseph, the Elector of Bavaria, December 30, 1777, by which the male line of that House became totally extinct.—The Palatine House had long asserted the right of succession, in case of this event, as the nearest related, because Duke Lewis, surnamed the Severe, who died in the year 1294, was the common ancestor of both families. This pretension, moreover, was not only grounded on the Family-Compact, which was made in the year 1329 at Pavia, but was confirmed also by other Treaties, concluded in the years 1766, 1771, and 1774; and, that the Bavarian dominions might be immediately taken possession of, the necessary instruments were previously prepared, and executed the very day the Elector died, at Munich.

But in the year 1329, when Lewis concluded the Treaty of Pavia with his nephews the Counts Palatine of the Rhine, he was only in possession of Upper Bavaria. A collateral branch, descended from his father, Lewis the Severe's brother, was then in possession of Lower Bavaria, which was first united with the other territorities in the year 1340, when this branch was extinct, and therefore could not be included in the Treaty of Pavia. After that period another division took place, in 1353, among the sons of Lewis, by virtue of which, Lower was again separated from Upper Bavaria; and Albert IV. one

of

of Lewis's ſons, founded a new Lower Bavarian line at Straubingen. It was maintained at Vienna, in 1778, that this diviſion was perpetual, or a TODTHEILUNG, and that as the line of Straubingen became extinct in 1425, in the perſon of John, the ſon of Albert, the Bavarian relations had in fact no right of ſucceſſion; but that Albert of Auſtria, the nephew of the laſt Duke John by his ſiſter, had a legal claim to Lower Bavaria on one part, and that the Emperor Sigiſmund had already conſidered it as a reverted fief, and in the capacity of Lord paramount had inveſted the houſe of Auſtria with it, in the perſon of his own ſon-in-law, who was the ſame Albert already mentioned. Notwithſtanding this, the line of Upper Bavaria at that time acquired the poſſeſſion of the dominions in queſtion; but it was pretended now, that that line alſo was extinct, that the right of the Houſe of Auſtria revived, and the Palatine Houſe had no legal claims whatever. CHAP. VI.

It was denied on the other ſide, that the diviſion which was made in 1353, was perpetual, and with ſufficient reaſon. The Emperor himſelf even iſſued a Decree in favour of the relations of the Bavarian Houſe, in the year 1429. Albert of Auſtria, moreover, had renounced his claims, neither did the preſent Houſe of Auſtria deſcend from him.

At Vienna, however, that part of Bavaria, and the Upper Palatinate, which the Bavarian houſe had been inveſted with as fiefs from the Empire, and

BOOK XIII.

the crown of Bohemia, were now conſidered as vacant fiefs, which Joſeph II. in the quality of Emperor, and Maria Thereſia, as Queen of Bohemia, thought themſelves entitled to take poſſeſſion of.

All theſe claims were acknowledged to be juſt, in a Convention which was ſigned by Baron Ritter, the Palatine Ambaſſador at Vienna, January 3, 1778.—The Auſtrian army was ready to march into Bavaria, as ſoon as that country was taken poſſeſſion of at Munich, in the name of the Elector Palatine; but the Elector made no ſcruple of ratifying the Convention, and quietly ſuffered poſſeſſion to be taken in the name of the Emperor, the crown of Bohemia, and the Houſe of Auſtria.

The Duke of Deuxponts, on the contrary, oppoſed the whole of theſe proceedings, as the neareſt relation of the Palatine Houſe; and no Treaty in an affair of this nature could have any legal force without his conſent. The Electoral Houſe of Saxony, likewiſe, laid claim to all the perſonal and allodial inheritance, as the property of the Dowager Electoreſs, who was ſiſter to the laſt Elector of Bavaria, and transferred her claims, which were valued at Dreſden at forty-ſeven millions of florins, to her ſon. The Duke of Mecklenburg alſo was in expectation that he ſhould now be put in poſſeſſion of the Landgraviate of Leuchtenberg, the reverſion of which had been promiſed to his Houſe in 1502, and which he had been diſappointed of in 1647. Theſe three

Courts applied to the King of Pruſſia to ſupport their claims; and that Monarch more willingly complied with their requeſt, becauſe he conſidered the conduct of the Imperial Court as unconſtitutional in the whole tranſaction. He did not think that ſuch meaſures could be legally adopted, without a previous conſultation with the States of the Empire, or at leaſt with the Electors; and he thought himſelf entitled, therefore, as an Elector, and a party concerned in the Peace of Weſtphalia, to exert himſelf on this occaſion, to preſerve the conſtitution from infringement. CHAP. VI.

The ſpirited negociations which were carried on for ſome time, between the Courts of Vienna and Berlin, were fruitleſs. A war actually broke out *, though, fortunately for Germany, it laſted but one campaign, and was concluded without any deciſive battle. A cir-

* The King of Pruſſia, after a review of that part of his army which lay in the neighbourhood of Berlin, and which was then, as well as himſelf, on the point of ſetting out for Sileſia, made a ſpeech to his general officers, including his brothers, which, as it was ſtrongly marked with the proper character of the veteran hero by whom it was delivered, was not leſs adapted to that of the veteran chiefs to whom it was addreſſed.

He obſerved, "that moſt of them, and himſelf, had "ſerved together from their earlieſt days, and were grown grey "in the ſervice of their country; that they conſequently "knew each other perfectly well; that they had been partakers

BOOK XIII. A circumſtance, which had on this occaſion the greateſt weight, was a remarkable Memorial from the Ruſſian Court, in December, 1778, the contents of which were nearly as follow: "As the point in "diſpute is now left to be decided by the fate of war, "the Empreſs of Ruſſia can no longer conſider it "merely in the light of a miſunderſtanding, which, "ſhe had entertained hopes, might have been ac- "commodated in an amicable manner. The ſituation "and power of Germany, renders that country the "centre of politicks, and the concerns of Europe "in general; it muſt certainly be intereſting in the "higheſt degree, therefore, to all the other ſtates, whe- "ther its form of government be duly preſerved, or

"kers of the ſame dangers, toils, and glories. He made no "doubt that they were all equally averſe with himſelf to the "ſhedding of blood; but the dangers, which now threatened "their country, not only rendered it a duty, but placed "them under a neceſſity of uſing the moſt ſpeedy and efficacious "meaſures, for the timely diſperſion of the ſtorm, which "threatened to burſt ſo heavily upon them. He relied on "their zeal, and would, with heartfelt ſatisfaction, for ever "acknowledge their ſervices. He urged, in the moſt preſſing "terms, humanity, in every ſituation, to the enemy; and, "with the ſame energy, an unremitting attention to the "ſtricteſt diſcipline among their own troops." He concluded, by obſerving, "that he did not wiſh to travel like a King; "rich and gaudy equipages had no charms for him; but his "infirmities rendered him incapable of travelling as he had "done in the vigour of his youth, and obliged him to uſe a "carriage, but they ſhould ſee him on horſeback in the day of "battle." Annual Regiſter, 1778.

"ſuffer

CHAP. VI.

" ſuffer any revolution, and whether it continues to
" enjoy the advantages of peace, or was diſtracted by
" war. This muſt, particularly, be of great concern
" to ſuch ſtates as Ruſſia, which, beſides the com-
" mon intereſt, and the connection, which one power
" has with another, and the amicable footing, which
" ſhe is on with moſt of the princes of the Em-
" pire, cannot but conſider the particular alliance
" with that power, which has taken arms to oppoſe
" the hoſtile proceedings of the Imperial Court.
" The Empreſs, therefore, cannot any longer re-
" main indifferent with reſpect to the enquiries into
" the claims which are made upon the Court of Ba-
" varia, as at the commencement of the diſpute;
" but feels it her duty to take an active part."

" The Empreſs, without interfering with the
" public laws of Germany, but acting according
" to natural equity, and upon the principles
" which are the baſis of every ſociety; according
" to which, ſhe finds, that the preſent diſpute,
" which has produced ſuch commotion throughout
" the Empire, owes its origin to the attempts of the
" Court of Vienna to enforce ancient claims, which
" have been buried in oblivion for centuries, and
" are not even mentioned in the Peace of Weſtphalia,
" which is the very baſis and bulwark of the conſti-
" tution of the Empire. She finds, moreover, that
" the manner in which theſe claims are enforced
" is ſtill more repugnant to this public and ſacred
" Treaty; and laſtly, that the whole conſtitution of
" the

BOOK XIII.

"the Empire is evidently expoſed to the greateſt "danger by the war which the Court of Vienna has "begũn, to ſupport its claims, which muſt of "courſe be a violent ſhock to all the bordering "ſtates, a ſubverſion of order, and the deſtruc- "tion of the balance of all Europe. Should ſuch "events take place, however diſtant the period "may be, the Ruſſian Empire might be endangered, "which a wiſe and good Sovereign ought to foreſee, "and in which reſpect the Ruſſian Court can adopt "no other principles and maxims, than the Imperial "Court would obſerve in ſimilar caſes.

"The Ruſſian Empreſs, therefore, requeſts the "Empreſs Queen, and the Emperor, to put an end "to the preſent commotions in Germany, in a man- "ner conſiſtent with all the principles of equity, and "ſentiments of humanity, which are ſo natural "to them, and to accommodate the affair with the "King of Pruſſia, and the other parties concerned "in the ſucceſſion to Bavaria, agreeably to the laws "and conſtitution of Germany, in a legal and "amicable manner. Otherwiſe, it gives the Empreſs "of Ruſſia the greateſt pain, to declare, that ſhe "can no longer conſider the war which has broken "out in Germany, both on account of its object, "the circumſtances connected with it, and the con- "ſequences likely to follow, with indifference; but "ſhe conſiders herſelf obliged to take ſuch meaſures "into her ſerious conſideration, as are conſiſtent with "the intereſt of the Empire, the intereſt of the Princes

"who

" who are her friends, and who have applied to her CHAP. VI.
" for aid, and above all, with the duties ſhe owes to
" her allies."

This Memorial from Ruſſia was not yet preſented at Vienna, before the Ambaſſador from that Court to Peterſburg propoſed the mediation of Ruſſia, in conjunction with that of France. Both Courts, as well as Pruſſia, were agreeable to this propoſal, and after a ſhort meeting of the Congreſs at Teſchen, firſt an armiſtice was publiſhed, and afterwards a Peace finally concluded, May 13, 1779. The principal articles were, that Auſtria ſhould retain a part of the Bavarian territories, between the Danube, and the rivers Inn, and Salza. All the other territories were to continue, as before, annexed to Bavaria; for which purpoſe, the Empreſs agreed, not only to re-inveſt the Palatine Houſe with the fiefs of Bohemia, in her regal capacity, but to procure the fiefs of the Empire likewiſe, for that Houſe, from his Imperial Majeſty.—In this reſpect, therefore, the Convention of January 3, 1778, was annulled. The family-Compacts of 1766, 1771, and 1774, on the contrary, between the Palatine Electoral Houſe, and Palatine Deuxponts were renewed, confirmed, and guaranteed, to the whole Palatine Houſe, including the line of Birkenfeld (*a*), by the parties concerned, and

(*a*) An objection might have been made to the line of Birkenfeld, that it deſcended from the unequal marriage of John Charles,

BOOK XIII.

and the mediating powers, ſo far as they were not repugnant to the Peace of Weſtphalia, and not altered by the articles of the Peace in queſtion.

The Elector Palatine promiſed to pay to the Court of Saxony, as a compenſation for the allodial eſtates, and other claims, the ſum of ſix million of florins, to be paid in the courſe of twelve years by ſtipulated half-yearly payments, according to the ſtandard of twenty-four florins in a mark of ſilver. The rights likewiſe hitherto exerciſed by the Crown of Bohemia in the Seignories of Glaucha, Waldenburg, and Lichtenſtein, which belonged to the Counts of Schönberg, in the Saxon territories, were ceded to that Elector.

With reſpect to the Houſe of Mecklenburg, the Empreſs and the King of Pruſſia jointly promiſed to uſe their endeavours with the Emperor, to procure an unlimited exemption from appeal. A proteſt was made againſt this in the Aulic Coun-

Charles, Count Palatine of Gelnhauſen, (who was born 1637, and died 1704,) with Maria Eſther de Witzleben, (born 1696, died 1725.) The objection, however, might be more eaſily paſſed over, as this line cannot have any hopes of ſucceſſion before all the others are extinct, ſo that none of them can ever pretend, that the ſucceſſion of the line of Birkenfeld can be to their prejudice. If there had been any other younger branch beſides that of Birkenfeld, by a ſuitable marriage, the caſe would have been very different.

cil,

cil, in the name of the Provincial ſtates of Mecklenburg, and particularly by the city of Roſtock, upon the pretence that it was repugnant to the rights granted them by Treaty, if there was no appeal allowed in future from the Courts of Judicature in Mecklenburg to the ſupreme Tribunals of the Empire, as the laſt reſort. The Aulic Council, however, rejected their ſuit in a Decree which was paſſed April 11, 1781, with the Emperor's conſent. His Imperial Majeſty, therefore, agreed to inveſt the Dukes of Mecklenburg with the privilege *de non appellando:* but before the inſtrument was executed, a Convention was entered into with the Provincial ſtates reſpecting the appointment of the members of the high Court of Appeal, which was to be inſtituted, and certain ſtatutes, agreeably to the conſtitution of the country. It was agreed likewiſe, that reſort might be had to the Tribunals of the Empire in the following caſes; Firſt, in all cauſes concerning the Exchequer, and ſuch as the Duke himſelf was particularly intereſted in, particularly likewiſe when the Duke brought any ſuit againſt one or more burghers, and inhabitants of Roſtock, before the Senate of that city, and they were diſſatisfied with the ſentence pronounced. Secondly, in actions to annul a proceſs, or caſes in which the new High Court of Appeal refuſed to adminiſter juſtice, or delayed it to the prejudice of the party engaged in the ſuit; and, thirdly, when the conduct of the Duke was either mediately or immediately repugnant to the Hereditary Compact of the year 1755, or other Treaties; and

CHAP. VI.

BOOK XIII.

and he either refuſed to remedy the grievances complained of at the Provincial Diet, or adjuſt ſuch doubts and miſunderſtandings which might ariſe reſpecting the Compacts according to the preſcription of the States of the country, or occaſion the inhabitants to have recourſe by any othermeans to extra-judicial complaints; and ſuch ſuits as did not come within the cognizance of their own Courts of Judicature. The Provincial ſtates, as well as the city of Roſtock, were ſtill diſſatisfied with this Decree, and had recourſe to other meaſures to prevent its execution; but their oppoſition was fruitleſs, and and their ſuit was rejected(*a*), although the Decree has not yet been executed, becauſe no agreement has hitherto been made reſpecting the appointment of the members, and the ſtatutes of the High Court of Appeal.

The negociations of Peace at Teſchen were very much facilitated by the King of Pruſſia's requiring neither any indemnification for the expences attending his military preparations, nor any other advantage for himſelf. It was once mentioned in the courſe of the negociations, that the Court of Vienna

(*a*) A Decree was paſſed by the Aulic Council, Feb. 12, 1785, with reſpect to the reviſion applied for by the Mecklenburg nobility and the city of Roſtock; the contents of which were, "*Fiat ſententia concluſi de* 11 *Apr.* 1781, *confirmatoria cum condemnatione in expenſas?*" and "*Diſtribuantur ſportulæ.*" Theſe *ſportulæ*, or coſts of ſuit, amounted to 6000 florins for the nobility, and 2000 for the city of Roſtock.

was

was willing to reſtore the territories, which the Emperor had taken poſſeſſion of in Bavaria, provided the King of Pruſſia would conſent that Anſpach and Baireuth ſhould not be re-united to the Electoral Houſe, but left as uſual to two younger Princes. It was pretended at Vienna, that this was abſolutely neceſſary, according to the Family Compacts of the Houſe of Brandenburg. The King of Pruſſia, on the contrary, conſidered it as an unreaſonable demand, becauſe in ſuch circumſtances as occurred at preſent, Family Compacts which were of ſtill more ancient date, might be altered. He inſiſted therefore, that the Empreſs Queen, and her ſucceſſors, would not oppoſe the Court of Berlin again, in caſe his Pruſſian Majeſty thought proper to unite the two Principalities in Franconia with the Electoral dominions, according to the right of promogeniture, after the extinction of the Houſes of the preſent Margraves. CHAP. VI.

The Peace, as well as all the Conventions annexed to it, was not only guaranteed by Ruſſia and France, but the Emperor and Empire likewiſe were applied to for their approbation. This met with ſome difficulty, becauſe ſeveral other States advanced a variety of claims, both at Teſchen, and afterwards at Ratiſbon upon the Bavarian inheritance, none of which were mentioned in the Peace. At laſt, however, the Empire acceded, and a Reſolution was formed, Feb. 28, 1780, in which the Diet ratified the Peace with all the Conventions which

BOOK XIII.

had been ſubmitted to the approbation of the States; but with the expreſs proviſo, that none of the articles of the Peace of Teſchen ſhould in any reſpect infringe the rights of the Empire, the Peace of Weſtphalia, and other fundamental laws, or prejudice in any reſpect any private rights, which might be claimed at a proper time and place, either now or hereafter.

Among others, the Archbiſhop of Salzburg made ſeveral ſeparate demands, to the amount of eleven million of dollars, which were compromiſed in the year 1780, for four hundred and thirty thouſand. The Circle of Swabia advanced ſome claim in favour of the city of Donawerth; but renounced it in a Treaty, ſigned June 18, 1782 (*a*). Other claims, which to the beſt of my knowledge have not yet been adjuſted, were from the Houſe of Würtenberg, on a part of the perſonal property of the Houſe of Bavaria, according to the principles of regreſſive inheritance. Other claims were made alſo by the Biſhoprick of Augſburg, upon the Seigniories of Mindelheim, Schwabel, Hohenſchangau, the Lechrine, and the city of Schongau by the Abbey of Kempten, upon a ſum of money due for compenſation ſince the year 1709, to the amount of 69727 florins, by a

(*a*) This Treaty was confirmed by a Reſolution of the Empire, Jan. 17, 1785, which received the Emperor's aſſent, February 11, the ſame year. REUSS's State Chancery, vol. X, p. 1—83.

Count

Count of Rechtern, upon the reverſion of the fiefs of the Empire, held by the Counts of Wolfſtein, and by the Counts of Schönburg, on account of their meſne fiefs (*a*). CHAP. VI.

In order to render the Peace of Teſchen complete, it was neceſſary that both the ſuperior Colleges of the Empire ſhould give their conſent to it, as preſcribed in the Capitulation of the Emperor, and that a new grant of the Imperial fiefs, which were become vacant by the death of the laſt Elector of Bavaria, ſhould be made to the Elector of the whole Palatine Houſe. This inveſtiture was granted by a particular Reſolution of both the ſuperior Colleges, Feb. 29, 1780. The College of Imperial Cities was of opinion, that the conſent of the Empire in general ought to have been obtained likewiſe, as this affair was an object of the Peace; but as the Capitulation required merely the conſent of the two ſuperior Colleges for the diſpoſal of Electoral and Princely fiefs, no alteration was made. This laſt Reſolution, therefore, as well as the former one, re-

(*a*) An Imperial Reſcript was ſent March 24, 1783, to the Elector of Saxony, in conſequence of a Decree of the Aulic Council, which received the Emperor's aſſent, to remind him that the Seigniories of Glaucha, Waldenburg, and Lichtenſtein, which belonged to the Counts of Schönberg, were meſne fiefs of the Empire, as they were always acknowledged by the crown of Bohemia. REUSS. Part II. p. 136.

BOOK XIII. ſpecting the Peace in general, received the Emperor's aſſent, March 8, 1780.

It muſt be obſerved, that the inſtrument of Peace was drawn up in the French language (*a*), as the articles of the Peace of Breſlaw in the year 1742, of Dreſden in 1745, and Hubertſberg in 1763, had been before. But in all theſe inſtances it was cuſtomary to annex a German tranſlation, which might be conſidered equally authentic, as it was acknowledged by the parties concerned. On the preſent occaſion this was neglected; on the contrary, there were two different tranſlations; one at Vienna, and the other at Berlin, by different hands, and by no means conſiſtent with each other. This was probably the reaſon for the articles of Peace being ſubmitted to the inſpection of the Diet only in French, although it was eſtabliſhed, both by law and cuſtom, that no other language ſhould be uſed in the concerns of the Empire than German or Latin, or elſe that there

(*a*) Articles of Peace were formerly drawn up among ſuch Powers, which had not the ſame language, in Latin, as we find even in the preſent century; the Treaty of Baden was, in 1714, and of Vienna in 1725 and 1738; but in the Treaty of Raſtadt the French, which ſeems was to have taken place of the Latin, as the common language of all political concerns, was made uſe of ſo early as 1714, at Vienna in 1735, and Belgrade in 1739.

ſhould

ſhould always be a copy in one of theſe two languages, accompanying the original (*a*). CHAP. VI.

(*a*) By virtue of the Capitulation of 1519, Art. XXIII. § 3. the Emperor ought to uſe no other language in the public writings, and negociations of the Empire, than German and Latin. Foreign powers even ſometimes write to the Diet of Germany in Latin, as Great Britain, and Ruſſia, or elſe it is expected that there ſhould be either a German or Latin tranſlation.

CHAPTER VII.

Lateſt Events after the Peace of Teſchen. Death of the Empreſs Maria Thereſia. League of the Princes 1785. End of the Age of Frederick II.

Commencement of the reign of Joſeph II. and his uſeful regulations in his hereditary dominions.—Diſpute with the United Provinces concerning the opening of the Scheld.—Apprehenſions reſpecting certain principles diſcovered on this occaſion,—ſeveral attempts to the prejudice of the Biſhoprick of Salſburg, as well as the revival of ſome Imperial prerogatives in the affairs of the Empire, grounded on the cuſtoms of antiquity.—The PANISBRIEFE as they are called, and alarming conduct of the Auſtrian Directorial Ambaſſador at Ratiſbon, in ſeveral inſtances—injurious proceedings againſt weaker neighbouring States—the propoſal to the Duke of Deuxponts, to exchange Bavaria for the Auſtrian Netherlands, upon condition of his enjoying the title of King of Burgundy.—The deſign conſidered at Berlin as repugnant to the Peace of Teſchen.—League of the Princes formed in oppoſition to it.—One of the laſt acts of Frederick II. whoſe age, on that account, forms a remarkable æra in Hiſtory.—Hope and wiſh, that the conſtitution of the Empire developed in the preceding pages may be confirmed by this meaſure for ever!

A. C. 1780. MARIA Thereſia did not long ſurvive the Peace of Teſchen. She died November 29, 1780; and Joſeph II. appeared now not only in the character of Emperor,

peror, but as the reigning Monarch of all the hereditary Dominions of the Houſe of Auſtria. I have already mentioned the meaſures he has adopted ſince that period, in his latter capacity, with reſpect to religion, and the church in general. His proceedings reſpecting the internal conſtitution of Hungary, and the other dominions, which he now ſucceeded to the poſſeſſion of, as Arch Duke of Auſtria; the meaſures he adopted in ſupport of the claims of Ruſſia upon the Turks; his conduct relative to annulling the Barrier Treaty, and opening the Scheld; the pretenſions which he revived to Maeſtricht, and other claims upon the United Provinces, which were adjuſted in the Peace concluded with that power, upon the payment of ten millions of florins; all belong to another province of hiſtory. CHAP. VII.

It occaſioned ſome alarm in Germany, indeed, that the principles ſeemed to be encouraged at Vienna; as if the articles of Peace, which were ſigned at Munſter, in January 1648, and ſtipulated that the Scheld ſhould be ſhut, with reſpect to the Auſtrian Netherlands (*a*), were no longer obligatory; and the apprehenſion leſt theſe principles ſhould be extended at ſome future period to the affairs of Germany, to the injury of the conſtitution, ſeemed, if one may judge from certain events, which occurred at this period, not to be wholly without foundation.

(*a*) Vol. II, p. 57.

BOOK XIII.

It had, no doubt, been long in contemplation to render the Auſtrian church independent of every other ſpiritual power, except the primacy of Rome, which is eſſential to, and inſeparable from, the Catholic Church. This deſign, if we conſider it according to the general principles of policy, was highly meritorious. The principles, that no religious order ſhould be allowed to be dependent upon any foreign ſuperior, nor ſubject to the ſupreme power of the country where that order is tolerated; that no prelate ſhould bind himſelf by oath to any foreign power, contrary to the duty he owes as a ſubject; that no ſpiritual legiſlation, or other eccleſiaſtical rights of ſupremacy, ſhould exerciſed without the cognizance and approbation of the governing power of the country; are certainly perfectly conſiſtent with the public laws of Church and State, and agreeable to the principles of ſound policy in general. But when the application of ſuch principles as theſe, by a ſecular Catholic State, comes in colliſion with the acknowledged prerogatives of a ſpiritual Catholic State; whether ſuch an arbitrary change can be made to the prejudice of the latter, without injuring the conſtitution of the Empire in general? is a different queſtion.

Thus, in the year 1783, after the death of the Biſhop of Paſſau, the dioceſan rights of that Biſhoprick were not only diſallowed in the Auſtrian dominions, but the eſtates, likewiſe, belonging to the Biſhop and Chapter in that country, were ſeized in a very arbitrary

arbitrary manner, until they were redeemed by the payment of four hundred thouſand florins, and all dioceſan rights in Auſtria entirely renounced (*a*). An uſurpation of this kind was talked of, likewiſe, with reſpect to the Archbiſhoprick of Salzburg, which was ſettled as far as it could be, by a memorial from that See to the Court of Vienna, in the year 1767, in which no leſs than twenty-nine grievances were complained of (*b*). In 1775, certain diſtricts of land in Stiria and Carinthia were ceded to the Biſhops of Guck and Seckau (*c*); and ſo late as 1782, a part of the diſtrict of Vienna Neuſtadt, which belonged to the Archiepiſcopal Dioceſe of Salzburg, was ceded to the Biſhop of Vienna Neuſtadt, with the Pope's conſent (*d*).

It was obſervable, on ſeveral occaſions, that thoſe perſons who were conſulted or employed in the affairs of the Empire, entertained an opinion, that wherever there was any trace of an Imperial prerogative in any ancient laws or cuſtoms, that prerogative

(*a*) Dohm, on the League of the Germanic Princes, p. 21, &c. Some authentic documents are to be met with in Reuss's State Chaucery, vol. II. p. 250, vol. III. p. 415, vol IV. p. 253.

(*b*) Account of Iuvavia, and the preſent Archbiſhoprick of Salzburg. P. 178.

(*c*) Ibid. p. 179.

(*d*) Ibid. p. 186.

was

BOOK XIII.

was equally valid now (a); a principle, which in an Empire of ſo complex a government, and which, in every century almoſt, has undergone ſuch a variety of revolutions as Germany, is certainly of the greateſt moment. If a law or cuſtom of the ſixteenth century could be conſidered as valid now, without paying any regard to later laws, new cuſtoms, and changes which the conſtitution of the Empire has ſince undergone, the apprehenſion might naturally ariſe of a law which was contained in the Capitulars of Charlemagne, or an ancient cuſtom which prevailed in the time of the Othos, being ſuddenly revived; and a right which had long been buried in oblivion, and which perhaps had never been thoroughly in exerciſe, being re-eſtabliſhed.

Thus it might have happened, ſeveral centuries ago perhaps, that an Emperor, when one of his guards, or any other perſon, was grown old and infirm in his ſervice, recommended him to ſome convent, or other religious foundation, to be provided for, during the remainder of his life. The letters of recommendation made uſe of on this occaſion, were denominated PANISBRIEFE; and it is probable that many foundations and convents in Germany made no objection to them; but a univerſal right, cannot, on that account be ſaid to have been eſtabliſhed, becauſe it is not authorized by any law of the Empire, nor by any general cuſtom, and it had even been found, upon enquiry, that in many places it never was the cuſtom at all. There had not been

(a) See p. 140.

a ſingle

a single instance, moreover, of any such recommendation from the Emperor, for several centuries, the circumstance therefore, of a number of such recommendations suddenly making their appearance in every part of Germany, and the charitable foundations and convents being ordered to provide for persons of both sexes, either with pensions, or by other means, could not fail of causing a general alarm. The circumstance appears to be of greater moment, as it could not be argued that the exercise of this right tended in any respect to promote the general welfare of the Empire, which ought certainly to be the grand object of all the prerogatives peculiar to the Emperor. The only object which appears to have been in view was, to provide the subjects of the Emperor's hereditary dominions with pensions, at the expence of the territories of other States; and it must necessarily occur to the States, that there would in all probability be persons enough to provide for in their own countries, on whom it was their duty to confer such pensions as these, in preference to any foreigners. CHAP. VII.

Many have observed, with surprize, that the proceedings at the Diet have lately differed very much from their usual manner. It appears, from several circumstances, that an attempt, for instance, has been made, to place the house of Austria upon a perfect equality * with the Electors, and allow the

* This is called at the Diet EINE OESTERREICHISCHE PARIFICATION.

Ministers

BOOK XIII.

Miniſters from that Court the ſame precedency over all the other Princes. Inſtances have occurred, even of attempts to paſs a Decree without taking the regular votes of the States of the Empire. When the Directorial office became vacant, by the death of the Ambaſſador from Mentz, it was occupied for ſome time by the Electoral Miniſter from Bohemia. In another inſtance the Auſtrian Directorial Ambaſſador undertook the ſole direction of the Diet during the illneſs of the Miniſter from Mentz, and threw difficulties in the way of the Decrees which were paſſed by a majority of the votes of the Body of the Catholic States, in the affair of the Counts; a circumſtance which was conſidered by many of greater importance, becauſe it tended to prolong the ceſſation of the proceedings of the Diet in general. In ſhort, the conduct of the Auſtrian Directorial Ambaſſador has been very alarming on ſeveral occaſions; although the Chancery of Vienna publiſhed a particular defence of him, to acquit him of all that has been laid to his charge (*a*), and he diſtinguiſhed himſelf likewiſe many years ago, and particularly at the time of the Viſitation of the Chamber, by ſeveral important and learned political publications (*b*).

(*a*) Reuss's State Chancery, part IV. p. 331. See p. 167 of this vol. note *a*.

(*b*) Putter's Literature of the Public Law of Germany, part II. p. 163.

Another

CHAP. VII.

Another circumſtance which has made no ſmall impreſſion, is the conduct of the Court of Auſtria, on ſeveral occaſions, with reſpect to its weaker neighbours, which was obſervable even in the preceding reign. A family of the name of Zedtwitz, which, though it held the Seigniory of Aſch, as a fief of the Crown of Bohemia, and acknowledged certain rights claimed by that State, yet was in other reſpects undoubtedly in poſſeſſion of its immediacy, was at laſt reduced to the neceſſity of entirely ſubmitting to the Bohemian Territorial Sovereignty, after a body of thirty men had been kept for eight years in the country. Many States, and immediate members of the Empire, whoſe lands were encircled by the territories of Anterior Auſtria, have been obliged to pay a tax to the government called the DOMINICALSTEUER; the ſame as the proprietors of the eſtates in Auſtria. Several members of the Circle of Swabia, and the Free Nobility or Knighthood of the Empire in particular, whoſe eſtates are contiguous to the Margraviate of Burgau, have not been able to eſcape from the exerciſe of the territorial rights claimed by the civil officers of that diſtrict, and the Auſtrian government at Innſpruck, although their rights were acknowledged by the Aulic Council in the year 1740. Memorials have been publiſhed on all theſe ſubjects, both by the Court of Vienna, and its antagoniſts; but there has been no third impartial judge to decide which party has juſtice on its ſide.

But

BOOK XIII.

But a circumſtance which attracted the attention of the public, far more than any of thoſe which I have already mentioned, was the intelligence, that it was in agitation to exchange the whole country of Bavaria for the Auſtrian Netherlands, excepting Namur and Luxenburg, with the title of King of Burgundy; and that the Ruſſian Ambaſſador had propoſed the conſent of his Court to the Duke of Deuxponts, and deſired him to give his final anſwer in eight days time, with the verbal declaration, that the plan would at all events be put in execution, whether he gave his conſent or not.

The Court of Berlin was of opinion, that the union of Bavaria with Auſtria could not come in queſtion again, according to the Peace of Teſchen, becauſe the exchange had at that time been finally rejected, and the grand object of the war which broke out on the ſcore of the ſucceſſion in Bavaria, was, that the balance hitherto preſerved among the States of Germany might not be wholly deſtroyed by ſo great an aggrandizement of the hereditary dominions of the Houſe of Auſtria. As the Peace of Teſchen had decided that Auſtria ſhould be ſatisfied with the acquiſition of the diſtrict of land called the Innviertel, which was guaranteed not only by the Germanic body, but by the mediating powers of Ruſſia and France; the Pruſſian Court could not but conſider any new attempt to unite Auſtria and Bavaria as repugnant to that Peace; much leſs could ſuch an exchange be allowed,

allowed, without the conſent of the relations of the Houſe entitled to ſucceſſion, or ſuch a conſent be expected from a Prince of the Germanic Empire, as was propoſed to the Duke of Deuxponts. CHAP. VII.

In this ſituation of affairs, the three Electoral Courts of Saxony, Brandenburg, and Hanover, entered into a defenſive League(*a*) for the ſole purpoſe of preſerving the conſtitution of the Empire; and it has ſince been joined by the Electoral Court of Mentz, and ſeveral other diſtinguiſhed Princes. As this League* has only the preſervation of the conſtitution for its object, which ought to be held ſacred, not only by the ſupreme Head, but by every individual Member of the Empire: and it is ſupported by the foreign Powers, which are the guarantees of the Peace of Weſtphalia, and by all the other parties concerned in it; it is to be hoped and wiſhed, that the bond of union between the Head and Members, which Divine Providence has ſo happily preſerved, through ſo many revolutions, may be confirmed by this meaſure, and preſerved to the lateſt period; and how can I conclude this Hiſtorical Developement of the preſent Conſtitution of the Germanic

(*a*) This League was ſigned at Berlin, July 23, and the Ratifications exchanged by the Courts concerned in it, Auguſt 21, 1785. Reuss's State Chancery, part ii. p. 383. To the beſt of my knowledge, it has not yet been printed.

* See a publication on this ſubject, by Müller.

BOOK XIII.

Empire better, than with this League, which, while it was deſigned for its further preſervation, was one of the laſt brilliant acts, with which Frederick II. *, whoſe magnanimity and great achievements will never ceaſe to be the admiration of poſterity to the lateſt period, concluded a courſe of forty-ſix years; which, like the age of Lewis XIV. merits, and with equal juſtice, to be called the age of Frederick! A few additional obſervations, however, which may throw ſome light upon the Conſtitution of Germany, as it exiſts at preſent, will not, I hope, be altogether ſuperfluous; as there are many circumſtances which could not well be introduced in the order of time.

* Frederick II. or, as he is now diſtinguiſhed by the name of Frederick the Great, the pride of Germany, and the wonder of his age, concluded his reign, which was crowded with the moſt glorious actions, Auguſt 17, 1786. For the particulars of his life ſee his poſthumous works, publiſhed in French and German at Berlin, and tranſlated into Engliſh by Holcroft, 1789; the Academical Diſcourſes of Mr. de Hertzberg; the publications of Buſching and Zimmerman, in Germany; the admirable compariſon of Frederick II. with Philip of Macedon, by Dr. Gillies, and his life by Dr. Towers, publiſhed at London.

BOOK XIV.

GENERAL OBSERVATIONS ON THE CONSTITUTION OF THE GERMANIC EMPIRE, AS IT EXISTS AT PRESENT.

CHAP. I.

Remarks on the three Places, where the form of Government is moſt conſpicuous, viz. Vienna, Ratiſbon, and Wetzlar.

Perpetual unity of the Empire, as it is particularly viſible at Vienna, Ratiſbon, and Wetzlar—The immediate affairs of the Empire very much obſcured by the greater weight of the Emperor's hereditary dominions—Agents of the Aulic Council, or Miniſters ſent by the States, employed to tranſact buſineſs with the Emperor at Vienna, or elſe Imperial Miniſters ſent to other parts of the Empire—The union between the Head and members of the Empire moſt evident, in the public inveſtiture of Fiefs—particularly Throne-Fiefs—Scruples reſpecting the perſons inveſted, not perſonally appearing—concerning fines, and *Laudimia* or fees—The Diet more conſpicuous at Ratiſbon, though the number of Miniſters from the States is evidently decreaſed—Not ſo much energy in the deliberations as formerly—The Chamber of Wetzlar in conſtant exerciſe—though only in the concerns of law—except when any point is diſputed reſpecting the conſtitution, or form of the proceedings of the Chamber itſelf.

BOOK XIV.

FROM the attempts which I have already made to develope the conſtitution of the Germanic Empire in an hiſtorical method, it appears, that it remains at preſent, with reſpect to its principal features, in the ſame form as I have deſcribed it, from the time of the Peace of Weſtphalia. In many reſpects its foundation, ſince that period, has been more ſtrengthened, although it has occaſionally likewiſe received ſuch violent ſhocks, that there has been great reaſon to be apprehenſive for its ſafety; an apprehenſion to which no patriotic German can ever be indifferent. The whole Germanic Empire is ſtill united under one common ſupreme Head; but the other conſideration, of its conſiſting of many diſtinct and ſeparate States, which ſtand almoſt in the ſame relation to each other, as the different States of Europe, has acquired weight with the years that have elapſed ſince the Peace of Weſtphalia. This circumſtance even now frequently renders it difficult, to obſerve the unity of the Empire, which ſtill continues. This unity is in reality only immediately obvious at the Emperor's Court, the Diet, and the Imperial Chamber; at Vienna, therefore, Ratiſbon, and Wetzlar: on which account a few obſervations, tending to a further knowledge of theſe particular places, may throw ſome light, perhaps, upon the preſent conſtitution of the Empire in general.

In the Emperor's Court the Aulic Council is the only College immediately concerned in the affairs of

the Empire (*a*), and the Vice Chancellor, the only perſon occupying the office of a real Miniſter of State, in the ſervice of the Emperor, in his Imperial CHAP. I.

(*a*) The Aulic Council ought properly to conſiſt of eighteen perſons, including the Preſident and Vice Preſident, ſo that there are ſixteen Counſellors. If there is even a greater number of the latter, the ſupernumerary ones have no ſhare in the perquiſites, which are always divided into nineteen parts, and the Preſident has two of them. The Aulic Council is divided into two Benches. Thoſe of high Nobility, or of Counts families, ſit on the noble Bench on the right hand ſide of the Preſident; the others conſtitute the learned Bench, and ſit on his left. The College meets four days in the week, and the members always ſit together. The ſuits depending muſt be in writing. The Referendaries deliver the ſubject verbally, and when the Opinion or deciſion is ſent to the Emperor, this officer may ſupply the place of a written relation. One of the members of the noble and one of the learned Bench acts as Referendary in each ſeſſion every week alternately. In moſt cauſes a Conreferendary is appointed, whoſe office is likewiſe to read the proceedings. The other votes are firſt delivered by the members of the learned, and afterwards by the members of the noble Bench. When the numbers are equal, the Preſident has the deciſive vote. The members of the Aulic Council are all appointed and paid by the Emperor, and they are not to be ſubjects of his hereditary dominions alone; but are generally from the Empire in general. The number of Proteſtant Counſellors is only ſix, and when they are united in their opinion, the majority of the Catholic votes is of no avail; but if only one Proteſtant Counſellor differs from the reſt, then the majority is valid. There has not been any inſtance yet, either of a cauſe being referred to the Diet by the Aulic Council, as in the caſe of the diviſion of the two religious parties, or any application being made for an authentic explanation of any dubious paſſage in the laws of the Empire.

BOOK XIV.

capacity (*a*), under whoſe direction a Referendary is employed to tranſact the public buſineſs; beſides whom, there are no other public officers, except thoſe employed in the affairs of Chancery and the Archives, who are appointed to their reſpective offices by the Elector of Mentz. But although the number of perſons thus employed is far from being inconſiderable, what is it in compariſon with the multitude of offices, in the hereditary dominions of Auſtria, and the perſons employed either in the affairs of State about the Court, or in the concerns of the different provinces, who are all aſſembled at Vienna! Thoſe who are perſonally connected with the Imperial dignity are ſo loſt at the Emperor's Court, in the crowd of civil officers dependent upon his hereditary dominions, that a ſtranger, who does not make it his particular buſineſs to enquire, might reſide for a conſiderable time at Vienna without knowing ſcarcely that there was an Aulic Council, or a Chancery of the Empire, exiſting. It is ſo natural for a reigning Emperor, conſidering the great difference of the relation in which he ſtands towards the Germanic Empire, and his own hereditary dominions, to have the concerns of the former much leſs at heart than thoſe of the latter, that it is not by any means ſurprizing, that ſometimes the perſonal convenience of thoſe who are employed at the Emperor's Court in the affairs of the Empire, ſhould have ſome degree of influence on their conduct.

(*a*) See page 47.

In

CHAP. I.

In the Aulic Council there are about thirty agents appointed by the Preſident of that Court, to undertake the buſineſs of the parties at law, as their attornies, either in the Aulic Council, or at the Emperor's Court in general. There are but few States who do not employ one of theſe agents; although the States, if they pleaſe, which is ſometimes the caſe, may ſend agents to the Emperor's Court themſelves. Some of the moſt diſtinguiſhed of them ſend Ambaſſadors even to the Emperor with formal credentials; or if any of the States of the Empire, or only members of the free Imperial Nobility, or Knighthood, perſonally attend at the Emperor's Court, they can demand an audience, which he is obliged to grant by virtue of his Capitulation (*a*). Every State, moreover, is at liberty to ſend any writing ſealed to the Emperor, either immediately by the Poſt to Vienna, or elſe his reſident agent, or Miniſter, may deliver it in the Aulic Council, or in the private Court of Chancery. The Emperor himſelf ſends a particular Ambaſſador to moſt of the Circles, and often has one likewiſe reſident at ſome of the principal German Courts, by which means a communication is preſerved between the Imperial Court and the individual members of the Empire, and the conſtitution is evidently preſerved in its proper vigour.

(*a*) Capitulation, 1642. Art. 23, § 2.

BOOK XIV.

One of the moſt public occaſions, on which the union of the numerous members of the Empire under one ſupreme Head is moſt conſpicuous at Vienna, is when an inveſtiture is conferred, which every poſſeſſor of an Imperial Fief is obliged to receive, and take the feudal oaths, at the acceſſion of another Emperor to the throne, and as often as the Fief paſſes from one perſon to another (*a*). A great diſtinction is obſerved in the mode of inveſting with Throne-Fiefs, as they are termed, and others. The former are ſuch, at the inveſtiture of which the vaſſal does homage to his Imperial Majeſty in perſon, while the poſſeſſors of the latter only take the oaths in the Aulic Council. According to the original feudal ſyſtem, every vaſſal ought to do homage perſonally; but it has become cuſtomary of late, for the oaths to be taken before the Emperor's throne, as well as in the Aulic Council, by Plenipotentiaries; though, if the perſon inveſted happens to be preſent himſelf at Vienna, it

(*a*) When a Prince does homage to the Emperor he ſwears, "that he will be true, faithful, and obedient to him "and the Holy Roman Empire; that he will never to his know-"ledge act or join in council, in any thing derogatory to the per-"ſon, honour, dignity, and rank, of his Imperial Majeſty; or "give his conſent, or by any means connive at any thing of the "kind, againſt the perſon of the Emperor, or the Holy Em-"pire; but continue true, and warn him of ſuch deſigns without "delay, and faithfully perform every duty towards his Imperial "Majeſty, and the Holy Empire, that is conſiſtent either with "law or cuſtom, as becomes an obedient Prince, and faithful "vaſſal, without any evaſion or deceit." LUNIG's *Corp. Jur. Feud.* Tom. I. p. 95. NEWMAN's Formulary of the Law Proceedings of the Empire, p. 401.

would

would certainly be required that he ſhould attend in perſon *(a)*. CHAP. I.

Only Electorates and Principalities are THRONE-FIEFS. It is cuſtomary to apply for the inveſtiture of theſe by means of two Plenipotentiaries, who are generally an Ambaſſador appointed on purpoſe, and an Aulic Council Agent; or elſe, if the Court, which applies for the inveſtiture, thinks proper, two Ambaſſadors. As ſoon as every thing is ſettled reſpecting the credentials, according to the Opinion, or Reſolution, of the Aulic Council, and the Emperor has appointed the time for the Plenipotentiaries to attend, they go in public proceſſion to the Palace *. His Majeſty receives them ſitting on his throne in the hall, where the ceremony is uſually performed. On one ſide of him ſtands the Vice Chancellor of the Empire, and on the other the principal officers of his Court. A number of Chamberlains form a half circle before him; behind them ſtand a body of life-guards, and the remaining ſpace is occupied by ſpectators.

(a) Thus, for inſtance, a Count of Weiſsenwolf perſonally took the feudal oaths in the Aulic Council, November 20, 1766, when he received the right of criminal juriſdiction in the ſeigniory of Erlach. MOSER on the Feudal Syſtem, p. 252. It was required likewiſe of the Prince of Lobkowitz, Auguſt 18, 1766, that he ſhould receive the Paulſdorf Fief's, in the Aulic Council, in perſon. MOSER, p. 251.

* This Palace is called at Vienna the Kaiſerliche Burg, or Imperial Citadel, where the Treaſury, Chancery, and other public offices, are kept.

BOOK XIV.

As ſoon as the Ambaſſadors, who are appointed to receive the inveſtiture, enter the hall, they fall upon their knees, and then paſſing through the circle which opens to admit them, they bend their knee twice again, as they approach the Emperor's throne. Here the firſt Ambaſſador addreſſes his Imperial Majeſty in a formal ſpeech upon his knees, and begs permiſſion to take the feudal oaths. The Vice Chancellor advances towards the Emperor to know his anſwer, which he repeats, in a ſhort ſpeech to the Ambaſſador. The Emperor then takes off his hat, and gives it to his Grand Chamberlain, who preſents him with a book of the Goſpels, which he places on his knee. The Ambaſſadors, that they may lay their fingers with greater convenience on the book, advance a few ſteps nearer to the throne, and repeat the words of the oath, after the Vice Chancellor, kneeling. The Emperor then puts on his hat again, and inſtead of the Goſpels, he is preſented with a naked ſword, which the Ambaſſadors kiſs the hilt of, and return to their former places. The ſecond Ambaſſador then makes a ſpeech of thanks, at the end of which they both riſe, and bending their knees three times again, retire from the Emperor's preſence, who immediately leaves his throne, and the whole ceremony is finiſhed.

It has hitherto always been cuſtomary, to make an apology in the ſpeech of the firſt Ambaſſador, as well as in the previous petition for the inveſtiture, for the Princes not attending in perſon; in anſwer to which, the Vice Chancellor always ſays, "that for this time the

the Emperor will excuſe it." But thoſe States, that are at the ſame time in the poſſeſſion of crowns, have omitted this apology entirely (*a*). It is probable, likewiſe, that a Treaty was entered into by ſome of the principal Courts (*b*), to procure ſeveral alterations in

CHAP. I.

(*a*) In the year 1754, when the inveſtiture of the King of Sweden with his German territories was in agitation, the Aulic Council mentioned in the Opinion ſent to the Emperor, the omiſſion of the excuſe for not attending in perſon, as well as the uſual certificate of the death of the laſt proprietor. They propoſed on that account that the inveſtiture ſhould be delayed, and the Ambaſſador deſired to produce whatever was requiſite on ſuch occaſions. The Emperor's anſwer was, that he would fix a day for the purpoſe, after which he left the room. The Aulic Council took the ſame meaſure, when the inveſtiture was in agitation, of the preſent King Guſtavus, November 18, 1773. MOSER, on the Feudal Syſtem, p. 893, &c. This laſt inveſtiture was received afterwards, November 24, the ſame year, by two Swediſh Ambaſſadors, Count de Bork, and a Count of Oxenſtiern. MOSER, p. 894.

(*b*) A publication at Ratiſbon, dated March 23, 1730, contained the following paſſage. "The Electoral Court of Saxony "has informed the Court of Vienna, what the eſſential and "incidental duties of a vaſſal are; among the latter of which "are reckoned the uſual ceremonies. In the years 1741 and "1745, conſent was not only obtained for moderating the cere-"monials, but the Court of Vienna ſpoke about them in quite "a different tone; and, as his Imperial Majeſty Charles VII. "had conſented to grant a moderation of the ceremonials to "Great Britain and Pruſſia, as well as to the King of Poland, "they requeſted, that the preſent reigning Emperor would "confirm

BOOK XIV.

in the ceremonies during the reign of Charles VII.; on which account, the ancient Princely Houſes ſeemed particularly anxious to wait for ſeveral Royal and Electoral Courts, to afford them a precedent, before they would apply for the inveſtiture of their Fiefs; ſo that the ceremony of inveſting many of the Princes with Throne Fiefs has never been performed from that period until now.

To this, another circumſtance may be added, which has occaſioned ſome difficulty in the buſineſs; that if a Fief does not paſs from father to ſon, but to collateral relations, or by reverſion, or any other means, to ſome other perſons not deſcended from the original proprietor, it is uſual for thoſe, who have had any trouble in tranſacting the buſineſs of conveyance in the Feudal Courts, to receive a certain pecuniary acknowledgement called LAUDEMIEN *. With reſpect to this money, the Aulic Chancery of the Empire, or the Aulic Council at the Imperial Court, come into colliſion with each other, as in ſuch caſes the former demands a fine called ANFALLS-

"confirm the proceedings of his predeceſſors." MOSER, p. 310.

* LAUDEMIEN or *Laudimia pro convento promiſſoque*, (VOSS. in the civil law) are the fiftieth part of the value of the land or houſes, which in ancient times the proprietor paid to the new tenant, as an acknowledgement upon inveſtiture, or for being put into poſſeſſion. BAILY. In Germany it means the fees of office paid at the inveſtiture of a Fief in general.

GELDER,

GELDER*, and the latter LAUDEMIEN (*a*). As theſe demands are of the ſame nature, they cannot both be conſiſtently required. Thoſe States, moreover, who have been included in the inveſtiture of a Fief already, do not conſider themſelves under any obligation to pay them; much leſs will they ſubmit to any demand which is not authorized by cuſtom, or pay the dues for more than a ſingle inveſtiture, although ſeveral Fiefs perhaps may be included. The inveſtitures are already ſo numerous without, that the officers employed about the Court, and even the common ſervants, receive very conſiderable ſums (*b*). There have been

CHAP. I.

* ANFALLSGELDER. The word ANFALL in the German language ſignifies an inheritance in general, and ANFALLSGELDER the taxes or fees paid to the offices of Chancery, &c.

(*a*) In the year 1664, when the King of Sweden was inveſted with his German territories, the Imperial Court of Chancery demanded (according to certain written accounts) 149,000 florins, and the Aulic Council, 24,000 rix dollars; for which the latter was offered 10,000 dollars, and the former 20,000. When the exchange took place of Oldenburg and Delmenhorſt, in 1773, the Chancery at Vienna received a preſent from the Courts of Peterſburg and Copenhagen of 100,000 dollars. Upon this the Aulic Council made a demand of 150,000 florins for the *Laudemia*; but they found that the ſum formerly paid on account of Oldenburg and Delmenhorſt, for that purpoſe, did not exceed 18,000 florins. The demand was on this occaſion, with ſome difficulty, reduced to the ſum of 75,000 florins, exactly one half. MOSER's Continuation of his Public Law of Germany, part II. p. 181.

(*b*) At the inveſtiture of a Throne-Fief, the Swiſs guards, who do duty at the door, receive 2 dollars; the doorkeepers

of

BOOK XIV. been various regulations made to prevent this in the perpetual Capitulation, as well as both the Capitulations of Charles VI. and VII(*a*); but all attempts to remedy

of the Knights Chamber 4; the Halbertiers 6; the Trabans 6; the Harbingers 6; the Tapiſſiers, who furniſh the rooms with hangings, 6; the perſons employed to heat the ſtoves 2; the Trabans of the Chamber 4; the door-keepers of the Antichamber 8; the ſenior page in waiting, who holds the book of the goſpels, 6; the ſervants in waiting 4; trumpeters and kettle drummers, 13; Harbingers of the Court, 6; Heralds 6; Door-keepers of the Aulic Council 6; Door-keepers of the Privy Council 4; total, 86 dollars, or 129 florins. Beſides theſe ſums, the inveſtiture of a Prince, the Grand Maitre de la Cour, Grand Chamberlain, Imperial Vice Chancellor, Mareſchal of the Court, hereditary Treaſurer, hereditary Cupbearer, hereditary Sewer, and the Mareſchal of the Court for his horſe, each 80 dollars, or 120 florins; the Secretaries each 48 florins; the Receivers of the Taxes 23; the Regiſters 20; Clerks of the Chancery 30; total, 1081 florins. The Electors are exempted from the charge of the Hereditary and Court officers. The officers of the Court demanded of the Crown of Sweden, in 1664, for the four Principalities of Bremen, Verden, Pomerania, and Rugen, viz. for four inveſtitures, 14,000 dollars; but they received only 6000.

(*a*) Capitulation, (1711) Art. II. § 2. "much leſs inſiſts upon the diſputed taxes at the inveſtiture of Fiefs (add. 1742, or LAUDEMIENGELDER, &c.)" Art. XVII, § 18, (1711). "With reſpect to the taxes paid on the inveſtiture of Fiefs, we will abide by the Ordinances of the Golden Bull, and not inſiſt upon the payment of more at an inveſtiture, when ſeveral Fiefs are received at the ſame time, than when there is only one; neither

medy the evil have hitherto been fruitleſs (*a*), eſpecially as theſe fees, or LAUDEMIALGELDER, are divided in CHAP. I.

neither will we raiſe the ſum, or eſtabliſh any new cuſtom of that kind, without the conſent of the States." Art. XVII, § 19, (1711) "much leſs impoſe the payment of (1742 LAUDEMIEN, "and) ANFALLSGELDERN, or feudal dues, for ſuch fiefs as they "are already inveſted with, or burthen them with any new "demands, not authorized by cuſtom."

(*a*) A Decree was iſſued by the Aulic Council, Auguſt 13, 1749, concerning Throne-Fiefs in general, in which the term of three months was fixed for their inveſtiture, and, at the ſame time, "the reaſons" were circulated "why the Princes "and States, who were not already inveſted with their Throne-"Fiefs, ſhould comply with this injunction." But theſe reaſons had very little weight. (MOSER on the Feudal Syſtem, p. 305—311). In the year 1767 each of the ſecular ancient Princely Houſes ſent a Memorial to Vienna, in which they declared they were willing to receive the inveſtment of their Fiefs, if they were only to pay the uſual taxes and preſents once, and not be ſubject to the payment of greater demands, contrary to the Capitulation, and when they ſaw that ſome of the ſpiritual and ſecular Electors ſet them the example, as a precedent. (MOSER, p. 296.) One of the anſwers to theſe memorials from the Vice Chancellor, contained the following paſſage: "The dues called the LAUDEMIEN and ANFALLSGEL-"DER are paid as an acknowledgement properly belonging to the "Emperor, whoſe anceſtors firſt granted the former as a per-"quiſite to the Aulic Council, and the latter to the Chancery; "they muſt be conſidered therefore as Imperial prerogatives, "and it is in his Majeſty's power to appropriate them again "to his own uſe." MOSER, p. 297, &c.

BOOK XIV.

nineteen ſhares among the members of the Aulic Council, and are conſidered by them as a part of their ſalary (*a*). The inveſtiture of the Throne-Fiefs of Brandenburg-

(*a*) In MOSER's continuation of the Public Law, p. 166—173, there is an account of the money paid as LAUDEMIENGELD in the reign of Joſeph I. Francis I. and in two years and three months of the reign of Joſeph II. According to this account, the ſhare of each member of the Aulic Council, amounted, one year with another, in the reign of Joſeph I. to 1068 florins, 18 cruitzers; Francis I. 1068 florins, 53 cruitzers; Joſeph II. to 1140 floris, 34 cruitzers. The ſum paid by Savoy alone, in the reign of Francis, amounted to 85,000 florins; Joſeph I. to 36,000, from Mirandola in the reign of Joſeph I. 32,000. Holſtein-Ploen, under Francis, 27,000; Saxe-Weimar, 20,000; Fürſtenberg, 14,000; Baden-Baden, 12,375; Denmark, for the toll on the Weſer, 12000; Mörs, 12,000: Würtenberg, 10,000, &c. An Opinion given on this matter by the government of a Princely Court, which is well worth reading, occurs in MOSER's Feudal Syſtem, p. 288—295; at the end of which it is doubted, whether it would be practicable to make any alteration in the cuſtom of paying the LAUDEMIENGELD, or prevail upon the Aulic Council to reſign what Cuſtom has ſo long eſtabliſhed in their favour. "Even if" (ſays the Opinion) "one could not only inſiſt upon it, *in puncto juris*, "but had hopes of ſucceeding, it is ſtill a queſtion whether it "would be adviſable; ſince it is much to be apprehended, "that, if the members of the Aulic Council were deprived of "theſe perquiſites, they would be ſo diſguſted, that they might "even do a great and irreparable injury to ſome important "cauſes which your Serene Highneſs has now depending, "and others which are likely to be tried in the Imperial "Aulic Council in future."

Culmbach,

Culmbach (*a*), and the Dutchy of Holſtein, on the part of the King of Denmark (*b*), was talked of even in the year 1786; but has not yet been accompliſhed. CHAP. I.

The perpetual bond of union of the States of Germany is moſt conſpicuous in the Diet at Ratiſbon, becauſe the perſonal quality of the perſons em-

(*a*) In conſequence of an application from the Margrave of Anſpach, which was made at Vienna, January 17, 1770, reſpecting the Fief of the Margraviate of Brandenburg-Culmbach (or Baireuth), which devolved to that Prince; a Decree was firſt iſſued by the Aulic Council, April 25, 1786, in which two months was the time limited for the Margrave to ſend the neceſſary certificates, &c. and *ad præſtandum præſtanda*. REUSS's State Chancery, part XIII. p. 411.

(*b*) The King of Denmark, as Duke of Holſtein, ſent a Reſcript to the Emperor, dated February 3, 1786; which was preſented May 1, requiring the further inveſtiture of his part of the Dutchy of Holſtein, and requeſting his Imperial Majeſty to appoint a time for him to receive it. The Emperor's anſwer to the opinion ſent to him by the Aulic Council, May 26, was, "that if the King of Denmark would bring the *requiſitâ inveſtituræ in termino duorum menſium*, on account of Gluckſtadt, Gottorp,, and Ploen, and did the neceſſary ſuit a ſervice, or the *præſtanda*, on account of Gottorp, within the time mentioned, his Imperial Majeſty would iſſue further orders reſpecting the inveſtiture in general, as well as the ſimple inveſtiture, which was deſired of the Dutchy of Holſtein. REUSS's State Chancery, part XIII. p. 419.

employed

BOOK XIV.

ployed in the ſervice of the Empire there is permanent, and not loſt in a multitude of other offices, as at Vienna. In this place the Germanic conſtitution, in compariſon with former times, appears at preſent to have a great advantage, becauſe a Diet was held then only occaſionally, and was of ſhort duration, inſtead of which it is now become perpetual. But, on the other ſide, it muſt be confeſſed, that the Diet has by theſe means conſiderably loſt, both in its ſplendour and in the energy of its proceedings; becauſe it was cuſtomary formerly for the Electoral Princes and Counts, as well as his Imperial Majeſty himſelf, to attend and deliver their opinions perſonally; whereas, at preſent, there are only Plenipotentiaries, who can do nothing of themſelves, but are obliged on every occaſion to apply to their principals for inſtruction, either perſonally or otherwiſe, and punctually comply with it. Beſides this, not only thoſe States, who have more votes than one, generally deliver them by means of a ſingle Envoy; but it often happens that an Envoy is entruſted with the delivery of the votes of ſeveral Courts at once, ſo that the whole Diet is by degrees become ſo contracted in the number of its members, that in the College of the Princes there are ſcarcely twenty-four Envoys for a hundred votes. The College of Imperial Cities is compoſed in a great meaſure of a few ſenators of Ratiſbon, each of whom deliver the votes of ſeveral. Although the Electors, therefore, ſend ſeparate Ambaſſadors, yet the whole Diet at preſent ſcarcely conſiſts of more than thirty Miniſters, or Comitial Envoys.

The

CHAP. I.

The objects of conſideration at this place are certainly of great importance to all Germany. It is here where all the rights of ſovereignty, which do not particularly belong to the Emperor, are exerciſed in the joint name of the Emperor and Empire; particularly when the queſtion in agitation is, to make new laws for the Empire in general, to determine on a war or peace, to levy taxes, or decide in the important concerns of any individual State. But even in affairs of this nature the actual deliberations of the Diet are much leſs frequent than formerly. Ratiſbon is certainly the place where the votes of the States are delivered, in order to paſs a Decree of the Empire; and it ſometimes happens, that, as ſeveral of the Envoys previouſly confer together on the ſubject, the States may be influenced, perhaps, and their votes in ſome meaſure biaſſed; but, notwithſtanding this, when any buſineſs is to be ſettled, it depends ſolely on the preſcription of the Courts themſelves how the vote is to be delivered, and upon the orders given for that purpoſe to the Envoy. For this reaſon, the ſpirit of ſuch negociations depends more at preſent upon the immediate communication between thoſe Courts which can place confidence in each other, than upon the Envoys. This circumſtance may be attended with a great diſadvantage, becauſe it is very eaſy for ſome occurrence at Ratiſbon to put a ſtop to the proceedings of the Diet for a conſiderable length of time; or, if that does not happen, ſtill there is very often a deficiency of buſineſs ready for deliberation, ſo that it is

BOOK XIV.

not unuſual for years even to elapſe without any Seſſion, of courſe without any proceedings, either of the Diet in general, or of either of the three Colleges. It is not at all ſurprizing, therefore, that there ſhould be more frequent and longer holydays at Ratiſbon than at any other place.

On this account it muſt be acknowledged, that the Germanic Conſtitution appears in a much more lively manner, in the conſtant and unremitting activity of the Imperial Chamber at Wetzlar. The perſons employed there in official capacities, are not only diſguiſhed more than any of the inhabitants of the place, which in other reſpects is only a ſmall Imperial City; but, excepting a few fixed holydays, the whole machine is from year to year in perpetual motion. The objects of its motion, indeed, are only ſingle lawſuits; and the number of thoſe which belong to private perſons is conſiderably greater than of ſuch as concern the States, which may in ſome meaſure be conſidered as affairs of a public nature. Since the Peace of Weſtphalia has attributed the quality of a Tribunal of juſtice to the Aulic Council, and the Courts of the Princes exiſt no more, the Aulic Council has acquired a private juriſdiction in cauſes which concern whole Principalities; and in caſes where the plaintiff is allowed his choice, cauſes of importance are much more frequently retained at Vienna than at Wetzlar.

Beſides

Beſides the law-ſuits which are retained for trial in the Imperial Chamber, that Court has another buſineſs, in which the conſtitution of the Empire is more immediately concerned, as it often happens that things occur relative to the conſtitution of the Chamber itſelf, which are either left to the judgment of its members, or elſe referred to a proviſional legiſlative deciſion. There are very often, likewiſe, intricate queſtions, concerning which ſometimes the Emperor and the States in general, ſometimes the Electors and Princes, and ſometimes even the members of the Imperial Chamber, entertain different principles; and which, at laſt, muſt be left to the deciſion of the Diet, and even there they are always not ſucceſsful. CHAP. I.

CHAPTER II.

The Security and Welfare of the Conſtitution, an object of the firſt Importance, ſtill preſerved by the Decrees of the Imperial Courts of Judicature.

Great advantage of the Germanic conſtitution, that a legal reſort is open againſt every member of the Empire—even in favour of the ſubject againſt his territorial lord—the creditor againſt any of the States who are his debtors—particularly in the ſo denominated DEBITCOMMISSION—though it is to be wiſhed that ſome regulation was made by the Legiſlature, reſpecting the appeals to the Diet againſt unfavourable Decrees of the Courts of Judicature—which would be attended with ſome difficulty—But until ſome regulation is made, the reſult of every appeal depends upon the majority of votes in the three Colleges of the Empire.

THE general bond which ſtill unites the Germanic Empire in the manner hitherto deſcribed, under the Emperor and Empire, and the ſupreme Tribunals, notwithſtanding its diviſion into ſo many ſeparate territories, is conſiderably ſtrengthened, and a grand object of the whole conſtitution obtained, by the circumſtance, that, notwithſtanding the variety of States and members of the Empire, amongſt whom the right of ſelf-defence would ſoon give the ſtrongeſt power the advantage, no ſelf-defence is permitted; but the way is open to every individual, without diſtinction, to procure his right

by legal means, and obtain juſtice, when he finds himſelf aggrieved. CHAP. II.

Thus the diſputes which one State may have with another, and which, among independent powers, can only be decided by recourſe to arms, are adjuſted by the ſentence of a Court of Judicature. The ſecurity of the ſubjects of an independent State depends entirely upon the juſtice they procure in their own country; whereas in the Germanic conſtitution there are means open to the ſubjects themſelves, to ſeek protection from the oppreſſive power of their Sovereign, in a ſuperior Judge; whether they have recourſe to appeals in private law-ſuits (where they are not reſtricted by particular privileges granted by the Emperor), plead the invalidity of proceedings, complain of the delay of juſtice, or bring their action immediately againſt the Sovereign himſelf, which they are at liberty to do, in all caſes of an abuſe of his territorial power; whereas in independent States there is no alternative but patience and obedience to avoid the greater evils of rebellion and civil war.

In this point of view, the inſtances of States of the Empire, who abuſe their territorial privileges, being made to feel that they are not independent by a ſuperior power, may be conſidered as peculiar to the conſtitution of Germany. Both the ſupreme Tribunals of the Empire have frequently iſſued Decrees in the ſuits of whole

BOOK XIV.

countries, the ſole object of which has been to reſtrain the exerciſe of the power of the Sovereign within certain limits, as in the inſtance of the Decree of the Aulic Council againſt Mecklenburg and Wirtenburg; and of the Imperial Chamber againſt Naſſau-Weilburg, and Lippe-Detmold. Imperial Decrees were iſſued ſo late as the years 1770 (*a*), 1775,

(*a*) An Imperial Reſcript was iſſued, Auguſt 22, 1770, agreeably to an Opinion of the Aulic Council, againſt Frederick the reigning Count of Leiningen-Gunterſblum, in conſequence of a report which was made to the Emperor of his ſcandalous conduct, by the Electors of Mentz, and the Palatinate, the ſummoning Princes of the Circle of the Upper Rhine; the contents of which were as follow:

"His Imperial Majeſty cannot but obſerve the abo-
"minable crimes and ſhameful conduct of which the Count
"Frederick of Leiningen-Gunterſblum has been accuſ-
"ed, and which have been humbly repreſented to him,
"with great diſpleaſure. It is impoſſible for his Majeſty to
"ſuffer any conduct of ſo ſcandalous a nature, and ſo un-
"worthy a State of the Empire, to paſs unpuniſhed by the
"ſupreme Judiciary Power. He finds himſelf under the ne-
"ceſſity therefore, of ordering a ſtrict enquiry into the af-
"fair, and as he places the greateſt confidence in your Se-
"rene Highneſſes, as ſummoning Princes of the Circle, he
"graciouſly and ſeriouſly commands you immediately to take
"the Count into cuſtody, but conſidering his dignity as a State
"of the Empire, to ſecure his perſon for the preſent in his
"own houſe at Gunterſblum, and place a guard over him of
"the troops of the Circle, to prevent his eſcape. He com-
"mands you, moreover, to provide him with every thing
"neceſſary for his ſupport, and to proceed in the above ac-
"tion

1775 (*a*), and 1778 (*b*), after a previous Reſolu- CHAP. II.
tion of the Aulic Council, againſt three reigning Counts

" tion with the uſual forms of law, by inſtituting an in-
" quiry into the various crimes which have been alledged
" againſt him, ſuch as horrid blaſphemy, homicide, poi-
" ſoning, bigamy, high treaſon, oppreſſion of his ſubjects, and
" ill-treating ſtrangers, and the clergy; and admitting ſuch
" evidence upon oath as may tend to furniſh legal grounds for
" the trial of the delinquent; after which you ſhall ſend the
" proceedings, with your opinion, to his Imperial Majeſty, that
" other meaſures may be adopted *in puncto inquiſitionis*. You
" are hereby directed, moreover, to appoint a proper perſon
" from the neareſt relations of his Houſe to adminiſter the affairs
" of his country proviſionally, *tam quo ad camerale quam quo ad*
" *juriſdictionalia auctoritate commiſſionis Cæſareæ*; but in ſuch
" manner that all the neceſſary ordinances ſhall not be ex-
" ecuted in the name of the Adminiſtrator, but in the name
" of the Priſoner; and laſtly, the ſaid Adminiſtrator ſhall de-
" liver an exact account of the affairs committed to his
" care, as occaſion requires, to his Imperial Majeſty. When
" your Serene Electoral Highneſſes have duly executed this
" commiſſion, his Imperial Majeſty will expect a report of
" your proceedings." The Count himſelf died September 22, 1774, and was the laſt of his Houſe.

(*a*) In conſequence of an Opinion of the Aulic Council, ſentence was pronounced by the Emperor July 21, 1775, againſt Charles Magnus, Count of Rheingrafenſtein, the contents of which were as follow:

" That on account of his ſcandalous deceptions, which he
" has confeſſed, the unjuſtifiable abuſe of his territorial
" power, and the repeated frauds practiſed by his order and
" permiſſion, he ſhall be confined for the term of ten years

BOOK XIV.

Counts ſucceſſively; by virtue of which they were even put in perſonal arreſt for abuſing their territorial power, and for other miſdemeanors, although it is expreſsly ordered, in the Emperor's Capitulation, that no States of the Empire who are entitled by

" in a fortreſs within the Empire, be entirely deprived of the " enjoyment of his former competency, and only be allowed " what is abſolutely neceſſary for his ſupport from the reve- " nues allotted to his creditors." Remarkable occurrences at Ratiſbon, 1775, vol. II. p. 243. MOSER's Continuation of his Public Law of Germany, part II. p. 455. He was ordered to be confined afterwards in the fortreſs of Konigſtein: but, in conſequence of ſeveral interceſſions, three years and nine months of the time of his impriſonment were remitted by a Decree of the Aulic Council, November 18, 1782. REUSS's State Chancery, part III. p. 431. By his conſort, who died March 13, 1780, he only had daughters.

(*b*) The ſentence pronounced by the Emperor, after an Opinion of the Aulic Council, Feb. 13, 1778, againſt the hereditary Sewer of the Empire, Gebhard Xavier, Count of Wolfegg-Waldſee (born 1727), on account of ſome crime he was accuſed of was, " that the Prince of Fürſtenburg ſhould " be commiſſioned to reprimand him ſeverely for his very " reprobate conduct, and as a merited puniſhment for the " ſame, keep him for two years in confinement at Wald- " burg, and to take the neceſſary meaſures, for the ſe- " curity of his perſon; but that before he undertook " to execute his Imperial Majeſty's commands, which " ſhould be done with the utmoſt ſecreſy, for which he was " particularly diſtinguiſhed, he ſhould hold a confidential con- " ference reſpecting the whole proceedings with the Count of " Wolfegg-Wolfegg, the Imperial Adminiſtrator and Curator." MOSER, part II. p. 460.

ſeat

preſcription to a ſeat and voice at the Diet, ſhall be ſuſpended, excluded, or be deprived of their government proviſionally, or in any other manner, without the previous conſent of the Electors, Princes, and States in general (*a*).

There is another ſpecies of Imperial Decree, by virtue of which a DEBITCOMMISSION, as it is called, may be appointed to inſpect the affairs of thoſe States who are involved in their finances, to enquire into the ſtate of their debts, and adopt proper meaſures to diſcharge them, by appropriating the revenues of the country to ſatisfy the creditors by ſtipulated payments, after a meeting held for the purpoſe, and allowing the State himſelf only a competency for his ſupport (*b*). A commiſſion of this kind is generally given to another State, and ſometimes to a relation of the Houſe, in which caſe the inſolvent State continues in poſſeſſion of the government; but the other has the inſpection of the revenues and expenditure, and takes the Counſellors of the Exchequer, and perſons employed in the Offices of Accompts, into the ſervice of the Emperor. In this manner thoſe creditors who have advanced money to a Prince of Germany, have a proſpect of being ſatisfied, however enormous the debt is; and the only difference between this expedient and the meaſures adopted with

(*a*) Capitulation, Art. I. § 3, 4.

(*b*) We have an illuſtrious example of a copious work on this ſubject in the two quarto Volumes of MOSER on the Debts of the States of the Empire. Frankfort and Leipſic, 1774—1775.

others

BOOK XIV.

others is, that in the latter caſe the eſtates themſelves are ſeized, and applied as far as they will go to the payment of all the debts immediately; whereas, when a commiſſion is iſſued for ſettling the affairs of an inſolvent Prince of Germany, the debts are only paid from his annual revenues.

It may be objected to this, that a hundred and more years may elapſe before the creditors, or rather their heirs, recover their property; and, on the other ſide, before the deſcendants of the Houſe ſucceed to the real enjoyment of the revenues of their country, which were certainly as much deſigned for them, by the firſt proprietor, as for their predeceſſors. But, would it not be much better for both parties, if the reigning States of Germany, (except in caſes of neceſſity, when the relations of the Houſe and Provincial States give their conſent), had no creditors? At all events, it is a fortunate circumſtance, that there is a ſuperior Judge to decide in caſes of diſpute.

The only objection which can ever be made to the Judicial Decrees, to which the States of the Empire are ſubject, is, that difficulties often attend the actual execution of the ſentences, and not merely becauſe ſome of the States imagine, perhaps, that they have power ſufficient to reſiſt them, and truſt to the event; but from this very different reaſon, that it is almoſt imperceptibly become a ſort of cuſtom for a State, againſt whom an unfavourable ſentence has been decreed, either at Vienna or Wetzlar, to ap-

peal to the Diet, in order to obtain, by ſome means or other, a remedy, and refcue himſelf from the impending evil (*a*). In this reſpect it is certainly to be wiſhed, that the caſes, in which an appeal to the Diet may be allowed (*b*), were particularly ſpecified by a new legiſlative act of the Empire, the neceſſity of which has been already acknowledged in the Capitulation. CHAP. II.

But here likewiſe other difficulties ariſe, partly from the nature of the Tribunals themſelves, as they exiſt at preſent, and partly from the peculiarity of the Germanic conſtitution in general. If all the laws reſpecting the Imperial Chamber were actually in force, and particularly thoſe which immediately concern the annual Viſitation, and the means provided thereby for a reviſion of the cauſes, appeals from the ſentences pronounced by the Chamber would ſcarcely ever be thought of; at leaſt, their number would be exceedingly limited. But the circumſtance of the Viſitations, and the reviſion of the cauſes connected with them, having ceaſed for two hundred years, muſt certainly be often urged as a pretence, and exculpate the States for taking refuge in the ſource of legiſlation and the ſupreme power of the Empire, ſo long as the reſort above mentioned is wanting. With reſpect to the Aulic Council, the affair is of greater moment, becauſe in the reviſion of the cauſes of which that Court takes cognizance, it

(*a*) See p. 49, &c.

(*b*) See p. 53.

judges

BOOK XIV.

judges for itself (*a*). On this account, therefore, the Imperial Court will always endeavour to limit the number of appeals as much as possible; but it cannot be supposed that the States will very willingly contribute to a measure which would be attended with such important consequences, if they themselves should happen to have substantial reasons for complaining of either of the supreme Tribunals.

The circumstance ought to be particularly considered, that the causes, which are taken cognizance of by the supreme Tribunals of Germany, may be very different from those in other countries. In the Courts of Judicature of other countries, the causes brought for trial only relate to the real or personal property, or rights, of private individuals; whereas suits may be carried on in the Judiciary Courts of Germany which immediately concern whole territories, and even their forms of government. The States of the Empire, like other parties involved in law, must submit to the decision of a superior Judge; but other parties may be only private individuals; whereas the persons whose causes depend in the judiciary Courts of Germany, are reigning Sovereigns perhaps of considerable territories, and in that quality are themselves entitled to a share in the government of the whole Empire: for it certainly cannot possibly be denied, that the grievances which may be laid to the charge of a State of the Empire, by either of the supreme Tribunals,

(*a*) See vol. II. p. 110.

stand

ſtand in a very different relation to the Supreme Legiſlative Power and Government in Germany than in any other country. CHAP. II.

Although it is ſo much to be wiſhed, therefore, that ſome rule was eſtabliſhed with reſpect to appeals; yet at preſent, there appears to be but little hope of it. Perhaps the period would not be very diſtant, if it were poſſible to deſtroy the ſources from which moſt of the grand arguments in favour of appeals have hitherto proceeded. According to the preſent practice, it depends upon the conſent of the votes at the Diet, and particularly of the two Superior Colleges, whether an appeal can be admitted. Hitherto very few have ſucceeded; and if a hope could be entertained, that every State would ſuffer his vote to be delivered in appeals, without any partial or ſiniſter conſideration, after a fair examination of the caſe, there would not be ſo much reaſon, upon the whole, to apprehend any ill conſequences ariſing from them to the prejudice of juſtice. But it is to be feared, that there are inſtances to be met with of ſome of the votes being biaſſed more by political than legal arguments, and that many of the States, in order to procure the votes in their favour, have promiſed to ſupport the appeals of other States in return (*a*). In this point of view, the proſpect of an impartial adminiſtration of juſtice would be very bad for the conſtitution of the Germanic Empire, if ſuch reciprocal ſupports of appeals were to come into general practice.

(*a*) See Vol. II. p. 52.

CHAP.

CHAPTER III.

Further Remarks on Electoral Congresses.—Diets of the Circles, and Separation of the two Parties of Religion, or Jus eundi in partes.

Besides the three places, Vienna, Ratisbon, and Wetzlar, where the constitution of Germany is always conspicuous, it occasionally appears at an election of a King of the Romans, or Emperor—in the Deputations of the Empire, and particularly the Visitation of the Chamber.—Separate Collegiate meetings may be held likewise, as has been frequently the case with the Electors and Imperial cities,—particularly with the ancient secular Princes, Prelates, and Counts.—The Diets likewise of the Circles, connected with the constitution of the Empire, especially those of Swabia, Franconia, Bavaria, and the Circles of the Rhine,—as well as the separate deliberations of each party of religion,—which the Protestant body has had the greatest reason to have recourse to, on account of the majority of votes of their antagonists, and their intolerant principles.—Although the enlightened Catholics are of a different persuasion, yet the sources of intoleration are not entirely destroyed,—of which the effects hitherto produced, and the apprehension of them in future, are unavoidable.—Notwithstanding this, a hope still arises, that the Germanic Empire may afford an example to other nations of the harmony which may subsist between adherents to different religious persuasions in the same country.

ALTHOUGH

CHAP. III.

ALTHOUGH the form of government eſtabliſhed in Germany appears in its greateſt vigour, as I have already deſcribed it, at Vienna, Ratiſbon, and Wetzlar; there are ſome particular events, which occaſionally occur, in which it is equally conſpicuous.

Among theſe may be particularly reckoned the appointment of a ſucceſſor to the throne, which is neceſſary on every vacancy in an elective Empire; although an election takes place in Germany, either when the throne is actually vacant, or when a King of the Romans is appointed during the reigning Emperor's life. In both theſe inſtances, although the whole buſineſs is tranſacted by the Electoral College, yet it is in fact, in the name of the whole Empire; and the buſineſs of the election itſelf, as well as the Capitulation which is propoſed on that occaſion, has evidently ſuch a relation to the Empire, that it may certainly be conſidered as one of the moſt important points in the whole conſtitution. Even the influence which the electors uſually have in the affairs of the Imperial Court at the Diet, and at other Courts, and which they are able to make a previous uſe of, by means of a Collegiate Reſcript at the election of an Emperor, or a King of the Romans (*a*), frequently gives riſe to a variety of circumſtances, which ſo far from having any immediate connection with the election, ſeem to be entirely foreign to the buſineſs. The brilliancy of the Electoral Congreſs is very much increaſed, likewiſe, by the attendance of ſeveral Miniſters

(*a*) See p. 19.

from

BOOK XIV. from each of the Electoral Courts, who are collectively and individually qualified as Ambaſſadors of the firſt rank, and among whom it is not uncommon to ſee real Miniſters of State. It has hitherto been cuſtomary alſo for ſome of the Electors to attend in perſon, as at the election of Joſeph II. when all the three Spiritual Electors were preſent; and the Elector Palatine himſelf, although he was not at the actual Election, attended immediately afterwards.

Another kind of meeting, in which the Germanic conſtitution appears with its uſual activity, is that of the Deputations of the Empire, as they ought to be appointed by law, particularly at a Viſitation of the Chamber, negociations of Peace, and on any other extraordinary buſineſs. Theſe occaſional meetings have already met with great obſtacles, which it is abſolutely neceſſary to remove, before the laudable deſign of their inſtitution can be anſwered (*a*), of which the hiſtory of the laſt Viſitation affords a ſufficient inſtance. (*b*).

There are particular meetings, likewiſe, which are held only by a certain claſs of States of the Empire, who are in connection with each other. Theſe, although they do not repreſent the Empire, or paſs Decrees which are obligatory for Germany in general, are ſo interwoven with the conſtitution, that their activity has an evident influence upon the country in general. The moſt diſtinguiſhed meetings of this kind are thoſe that are held for the purpoſe of

(*a*) See Vol. II. P. 134—139. (*b*) Above, p. 154.

Collegiate

Collegiate deliberations, by the Electors, Princes, Prelates, Counts, and the repreſentatives of the Imperial cities. The preſent permanency of the Diet affords an opportunity for the Electors, Princes, and cities, as they are already divided into three ſeparate Colleges, to enter into Collegiate deliberations among themſelves, without appointing any ſeparate meetings; although they are not prevented from holding them; as the Electors and cities frequently met formerly, when there was no perpetual Diet, and as the Electors continue to aſſemble at preſent at the Election of an Emperor, or a King of the Romans. CHAP. III.

The College of the Princes, as it ſits at the Diet, including the Prelates and Counts, has never yet held any ſeparate meeting; but there have occaſionally been particular Diets of the ancient Princely Houſes alone, or in conjunction with one or more Spiritual Princes, as in the year 1741, at Offenbach. Beſides this, they have it in their power likewiſe to hold conferences at Ratiſbon, by means of their Envoys, in any manner, and at any time they pleaſe. The Prelates of the Empire and Counts are differently circumſtanced with reſpect to their Collegiate deliberations, becauſe each of the two Benches of the Prelates, and each of the four Colleges of Counts at Ratiſbon, has only one perſon to deliver the vote; ſo that they are no opportunies for deliberations, in which each Prelate or Count can give his vote

BOOK XIV.

individually; of courſe, therefore, they have no reſource but to appoint a collegiate meeting themſelves, or elſe form a Reſolution, by communicating their ſentiments to each other in writing.

Beſides theſe Collegiate deliberations, the States of the Empire may appoint other meetings, and enter into deliberations, according to the diviſion of the Circles, which are uſual in the Circles of Swabia, Franconia, the Upper and Lower Rhine, and Bavaria. At theſe meetings ſuch matters are chiefly adjuſted as immediately concern the internal conſtitution, or affairs of the Circles in general; although a ſort of previous deliberation may take place on ſome matters which are to be finally determined by the Emperor and Empire; or, rather, the queſtion may be diſcuſſed in what manner a Reſolution may be made at the Diet.

Another of the moſt important kinds of deliberation, is occaſioned by the ſeparation of the two parties of religion, each of which has undoubtedly the right of aſſembling when and where they pleaſe, as the Catholic States have frequently done in former times, particularly at Deſſau and Würtzburg, and the Proteſtants at Schmalkalde, and other places. As the two parties of religion have of courſe always aſſembled together ſince the Diet became perpetual, they have an opportunity now of holding ſeparate conferences, by means of their Envoys,

voys, when they pleaſe, without any particular Credentials, or other ceremonies, being requiſite. CHAP. III.

The Proteſtant Body, in particular, has reaſon to adopt this meaſure, as a ſafeguard to prevent any point being carried to their prejudice, by means of the majority of votes of the Catholics, in both the ſuperior Colleges; as well as to enable them to prevent or remedy any grievances, which the adherents to their perſuaſion muſt be individually expoſed to, by affording their joint aid, and acting with unanimity among themſelves. The preceding hiſtory, alas! has but too plainly diſcovered the conſequences of thoſe principles, which the Papal See with the powerful cooperation of all the monaſtic orders, and particularly the Jeſuits, has contrived to eſtabliſh among the Catholics; as if there was no ſalvation to be expected out of the Romiſh Church, and that it is the duty of every Chriſtian, therefore, to place implicit confidence in what the Church believes, or in other words in what he is commanded to believe by the Biſhop of Rome, and thoſe who are inſpired with the ſame ſentiments; that every deviation from them is a ſin, which, under the hateful name of hereſy, cannot be ſufficiently perſecuted, and revenged; that it is unlawful even to ſhow any degree of toleration to thoſe who do not uniformly think with the Romiſh Church, or even to allow them the enjoyment of any civil rights and liberties; on the contrary, that it is a duty to uſe the moſt violent and coercive means,

BOOK XIV.

to recover every one who differs in opinion (*a*); that ſuch a meaſure is an act of benevolence, to prevent their final deſtruction; and that if there is no poſſibility of bringing them back to the boſom of the church, the only alternative is to pity, if not to hate them, at leaſt to take every opportunity of injuring them as much as poſſible, by depriving them of ſchools and churches, and preventing their enjoyment of the eſtates, and other revenues annexed to ſuch inſtitutions; and that all this cannot fail of being well pleaſing to God, and ought to be conſidered as a work meriting eternal ſalvation.

The application of theſe principles in Germany ought now certainly to be deprived of all its force,

(*a*) The following inſtance may ſerve as a remarkable proof of the principles of the right of Catholic Sovereigns to compel Proteſtant ſubjects to embrace the Catholic religion, prevailing even after the Peace of Weſtphalia, more than before. In an agreement made by the Biſhop of Baſil, in the year 1579, with the Seven Catholic Swiſs Cantons, it was reſolved "to "keep the ſubjects, who were ſtill true to the faith, from "deſerting the Catholic church, and adopting the moſt "ſuitable means of reſtoring the apoſtates in time to their an-"cient Chriſtian obedience;" but, by virtue of a new league which the Biſhop John Francis entered into with the Catholic Cantons, they agreed to aſſiſt the Biſhop in compelling his apoſtate ſubjects to return to the Catholic faith and obedience. LUNIG's Archives of the Empire, vol. XXI. p. 974, 979.

as every method has been adopted in the Peace of Weſtphalia, and in all the moſt ſacred fundamental laws of the Empire, to prevent the Proteſtant religion from being conſidered as heretical; but, according to the doctrines of the church of Rome, as they have been ſupported by the Jeſuits in particular, who have endeavoured to infuſe the ſame principles, and confirm them in the minds of their diſciples, theſe laws can have no validity, to the prejudice of the church (*a*); and granting even that a repreſentation of the obligatory power of ſuch public laws, and the ſolemn oath that is taken to obſerve them, might raiſe ſome ſcruples of conſcience perhaps againſt the doctrine, ſtill, according to the Catholic ſyſtem, the Pope, by virtue of his abſolute power, as God's Vicegerent, can diſſolve the obligation of the moſt ſolemn oaths, as in the inſtance of Pope Paul IV. who releaſed Philip, King of Spain, from the oath, which he had made to the inhabitants of the Netherland Provinces, to preſerve their liberty and religion from violation, that he might be able to perſecute the Proteſtants without remorſe. CHAP. III.

(*a*) Thus, in the year 1782, when application was made to the Papal Court, to procure the abolition of the Dioceſan rights of the Archbiſhop of Cologne, in the Dutchy of Cleve, by virtue of the Peace of Weſtphalia, Art. V, § 48, the anſwer was: "Non puo valutarſi—l'Art. V. della pace Weſtfalica, "giacche é noto che la ſanta ſede non ha mai riconoſciuta "queſta pace, contro di cui Innocenzo X. ſi proteſto."

Berlin, Monathſchrift, Auguſt, 1786, p. 119.

BOOK XIV.

It muſt, however, be obſerved, for the honour of humanity, that there have always been ſome among the Catholics ſufficiently enlightened to ſee the invalidity of ſuch intolerant principles, and honeſt enough to profeſs their deteſtation of the ſentiments ſuch principles give birth to. But in what proportion is the number of theſe, to the innumerable multitudes of ſuch as are incapable of reflecting on the ſubject, and unable to diveſt themſelves of the prejudices imbibed in their infancy, by which theſe principles have taken ſuch deep root in their minds? What obſtacles have, for this reaſon, been laid in the way of the very means, by which their ideas might be more enlarged! How cautiouſly are they prevented from reading any books which are likely to throw the ſmalleſt glimpſe of light upon the ſubject, and how ſtudiouſly do they labour to prevent their frequenting Proteſtant Univerſities and ſchools, and deter them from a confidential intercourſe with perſons of that perſuaſion, by repreſenting it as not only ſuſpicious, but extremely dangerous! And, if there ſhould be a few enlightened Catholics, perhaps, of a different opinion, they dare not hazard the ſmalleſt appearance of their ſentiments, without expoſing themſelves to the moſt violent perſecution, or to the exertions of the Jeſuits, and perſons of ſimilar ſentiments, to make their parents, their relations, either by blood or marriage, their friends, their patrons, and ſuperiors, who think differently, their enemies; in ſhort, to ſet all the world againſt them.

CHAP. III.

That theſe circumſtances have frequently occurred in Germany, may be proved by a thouſand facts in hiſtory, particularly when the order of Jeſuits was in its flouriſhing condition. Since the abolition of that ſociety, much more tolerant ſentiments have been diffuſed in the Catholic dominions. But it is ſtill a queſtion whether the ſources are totally deſtroyed, ſo long as it remains a difficulty to eradicate the prejudices from the minds of thoſe who were formerly their pupils; ſo long as the Ex-Jeſuits have not entirely loſt their activity in ſupporting and diffuſing ſuch principles; in a word, ſo long as Rome has any effectual influence in preventing the diſtinction between a Chriſtian Catholic religion, and a dependence on the Pope, from being more generally acknowledged.

In theſe circumſtances, and conſidering the complicated relation in which the adherents to the different religious perſuaſions ſtand towards each other in Germany, one cannot be ſurpriſed at the variety of inſtances which have occurred, and which in ſome meaſure occur at preſent, of Proteſtant ſubjects having reaſon to complain of Catholic Sovereigns; and that, among Proteſtants who have cauſes depending in Catholic Courts of judicature, among members of the ſame family, in a Town, a congregation, a Provincial Diet, a meeting of the States of the Empire, the majority of whom are Catholics, the ſmaller number of Proteſtants ſhould ſuffer the greateſt grievances. In what light muſt every impartial per-

BOOK XIV.

ſon view the importance of thoſe ordinances, which the Peace of Weſtphalia has ſo wiſely made, for the preſervation of an equality of votes in the Tribunals, Deputations, and Commiſſions of the Empire; and to prevent the validity of a majority of votes in thoſe caſes where the religious parties diſcover oppoſite opinions at the Diet? How little, therefore, can any attempt to prevent theſe ordinances from having their full efficacy, merit approbation?

The influence, which all this muſt have on the conſtitution in general, and the difficulty in preventing a reciprocal want of confidence, which muſt be frequently an obſtacle in affairs of general utility, and prevent the execution of the beſt deſigns, need not be further enlarged upon, if we only take an unprejudiced view of the internal hiſtory of the Germanic Empire. It cannot eaſily have eſcaped the obſervation of any one, that the idea has been induſtriouſly circulated, on ſeveral occaſions, that to be a well-wiſher to the Catholic religion and the Emperor are as inſeparable as that every Proteſtant muſt be conſidered inimical to the Emperor's ſupremacy; ſo that the intereſt of all the Catholics requires the moſt zealous ſupport of the Emperors prerogatives, whenever an attempt is made to extend them, and that the imperial Court has every reaſon to oppoſe, with equal ardour, whatever the religious ſyſtem of the Proteſtants inculcates the preſervation of.

Happy

CHAP. III.

Happy would it be for Germany, if all ſuch prejudices as theſe were totally deſtroyed; if it were univerſally acknowledged, that the integrity, without which no genuine religion can exiſt, requires us to leave every one his right, without reſpect to his religion; and that members of the ſame State, although their articles of faith may differ, may yet live in harmony, as bretheren! It cannot be denied, that a country, in which the head and members profeſs the ſame religion, has certain advantages over thoſe where different religions prevail, which muſt naturally be the cauſe of jealouſies, and be attended with other evil conſequences. A queſtion might here ariſe, indeed, whether it be adviſable to admit the adherents to other religious perſuaſions, in a country where they have not been before? But, where a difference of religion ariſes, merely in conſequence of a revolution in the country itſelf, and where different religions are once eſtabliſhed; in ſuch caſes there is no other method to be adopted, than to leave every one to his own convictions.—If theſe ſentiments were become more general, and there is every reaſon to hope, from the ſublime example of the Monarch, whom Germany now honours as its ſupreme Head, that they will be embraced by every member of the Empire, Germany even may afford an example of the poſſibility of ſuch a compound body of States, notwithſtanding their different religions, perfectly accompliſhing the grand object of all government, by promoting the general ſecurity and welfare.

CHAP.

CHAPTER IV.

Remarks on the Ordinances enacted by the Diet or the Imperial Court, how far they are neceſſary at preſent in the Government of the particular States of Germany, and the Effects which they produce.

Almoſt all the German territories are individually governed according to their own convenience, and not with any uniformity with the government of the Empire in general.—At furtheſt ſome regard may be paid to the neighbouring States, or conſtitution of the Circles.—General Decrees of the Empire on ſubjects which immediately concern the internal conſtitution of the particular States, much leſs frequent, and more difficult to accompliſh.—This circumſtance occaſions the diſtinction between the different territories, conſtantly to increaſe—from which very fortunately a great advantage may be derived.—Certain reſerved rights of the Emperor, which ſtill come into conſideration here—as the Emperor's right of conferring titles of honour throughout Germany,—the right of appointing Counts Palatine of his Court and Notaries.—The tolls no longer his; but no State can eſtabliſh them without his conſent,—as well as the right of coinage,—founding Univerſities.—Some rights diſputed, or ſubject to certain regulations,—as the eſtabliſhment of annual fairs or markets,—municipalities, and guilds—granting letters of reſpite.—In ſome caſes a concurrence of certain Imperial and territorial rights of ſovereignty,—as in declaring infants out of their minority, and legitimating natural children.—An Imperial grant to all Germany, can have no effect in the countries of particular States.—Particular circumſtances reſpecting the privilege of printing.—A determinate line drawn between the reſerved rights of the Emperor and territorial rights of the States.—The States of Germany conſidered

CHAP. IV.

conſidered almoſt upon an equality with the other States of Europe, with reſpect to their rights of government—as of making war, leagues, repriſals, and reciprocal Treaties of every kind.—The particular States of Germany on this account not to be omitted in the liſt of European powers.—Offices of ſtate more numerous, and from other cauſes, than among other powers.—Even laws of the Empire may eſtabliſh certain reſtrictions of territorial ſovereignty.—Singular remains of the ancient rights of Advocy in ſome of the Eccleſiaſtical countries,—and in ſome Imperial cities.

WITH reſpect to the different States of Germany as they are governed now, it may be conſidered as a rule, that every individual land, every Imperial city, every territory, however ſmall it may be, that forms a ſeparate State, conſults its own convenience as much as poſſible, without conſidering the connection in which all the States of Germany ſtand to each other as members of the ſame Empire, any further than abſolute neceſſity and its own intereſt require. Although many things, ſuch as the adminiſtration of juſtice, regulation of the police, coinage, &c. muſt be conſidered as objects which might be beſt ſettled in each particular country, if they were ſubmitted to the common deliberation of the Diet; yet, notwithſtanding this, in concerns of this nature, every government almoſt adopts its own plan of proceeding. The effects, indeed, which ſome inſtances of good acts of legiſlation, or other regulations in one country, are likely to have in another, or the inducements of neighbourhood, family connections, equality of

BOOK XIV.

of rank and ſimilarity of religion, or other circumſtances, to act upon the ſame principles, may occaſion ſeveral of the States, perhaps, to have each other's country in view, in the plans which they adopt, and in their different inſtitutions. The conſtitution of the Circles, likewiſe, where it is ſtill preſerved in its proper vigour, may occaſion a reciprocal communication of the meaſures purſued among the members of the ſame, or ſeveral adjacent Circles, and occaſion them to make ſuch Reſolutions as are conſiſtent with their common welfare.

General Decrees of the whole Empire, which reſpect the internal conſtitution of any particular country or city, are much leſs frequent than formerly. They are ſcarcely ever made, indeed, except when other States are likely to be injured, if a particular ordinance were enacted merely in one territory, as in the inſtance of the abuſes which prevailed among the lower orders of tradeſmen *. There is no doubt, but that every State is at liberty to enact any ordinance he pleaſes on a ſubject of this kind; but he muſt, at the ſame time, take care that he does not prevent his territory from being frequented by apprentices, who travel to different countries to learn their work †, which would certainly be the caſe, if they

* See vol. II. p. 484.

† It is a circumſtance almoſt peculiar to Germany, for apprentices to travel into different countries, to learn the new improvements

they were under greater reſtrictions there than in other places. The motive may be eaſily conceived, therefore, which induced the Court of Berlin, in the year 1771, to procure a Decree of the Empire for the abolition of the cuſtom among the tradeſmen of keeping Blue-monday *(a)* *. This inſtance, however, is a proof of the difficulty attending the actual execution of general Decrees of this kind in all the different territories. In many places a variety of particular circumſtances occur to prevent it, and if a State does not chooſe to exert his power to enforce them, although he may have no particular reaſons for his neglect, what method can

improvements in their particular trades. Some of them work for a year or two in London, Paris, and even in Peterſburg. The time generally allowed is three years, and in the different territories in Germany, a fund is often raiſed for their ſupport.

(a) Thus we find, that two Reſolutions were made at the Diet, July 15, 1731, to render the Decrees reſpecting the abolition of Blue-monday, more efficacious. See vol. II. p. 484. And a Decree was paſſed, February 3, 1772, reſpecting the SCHINDER, or perſons employed in taking the ſkins off dead animals, that their children might not become infamous by the profeſſion of their fathers, and reſpecting the better obſervance of the Decrees concerning the abuſes prevalent among the tradeſmen. The Emperor gave his aſſent to both, April 30, 1772.

* See vol. II. p. 130. Note.

be

BOOK XIV.

be adopted to make the effect which ought to be produced general? It is not probable that the Emperor and Empire, in caſes of this kind, would take any meaſures officially; for very particular circumſtances indeed muſt occur, to make any State apprehenſive of the Fiſcal of the Empire being induced to proceed againſt him by law; and even if he did, what would in all probability, be the reſult of it (*a*)?

The natural conſequence of all this is, that it is ſcarcely poſſible to conceive a greater difference in the internal conſtitutions of any countries whatever, than there actually is between the various States of Germany. Every territory, every Imperial city, nay, almoſt every eſtate of the free nobility, or knighthood, has ſome quality peculiar to itſelf. They vary not only in their forms of government, (as the conſtitution of Imperial cities differs from that of territories, as much as Republics from Monarchies, and is either ariſtocratical or democratical, and more or

(*a*) The order of the laſt Receſs, though ſo conſiſtent with the very equitable principles of the theory of legal proceedings, that the defendant ſhould introduce the principal tranſactions in the dilatory proceſs, is in many places, and even at Hamburg, ſo little in practice, that the defendant ſeldom comes to the point before a particular correſpondence has been carried on reſpecting his delay, and perhaps not before ſentence has been paſſed in more than one reſort! not to mention how little the Decrees of the Empire and the Circles have been enforced reſpecting the coinage.

leſs

leſs limited or unlimited; and every country, whether it be eccleſiaſtical, and its government elective, or ſecular, and the government hereditary, has its own Sovereign either with or without Provincial States), but, in almoſt every object of government as in the mode of adminiſtering juſtice, puniſhing offences, regulations of the police, taxation, military affairs, coinage, &c. CHAP. IV.

It is certainly no misfortune for a State to be in this manner at liberty to promote the welfare of his own country, according to his own particular circumſtances, without being under the apprehenſion of any oppoſition; as one of the principal advantages attending the independence of the European Powers in general is certainly that of being able to make any internal regulations as ſuit their own convenience, without any limits being preſcribed by others. There are a few caſes, however, in which the Emperor's *Reſervata*, as they are called, are ſtill in force, by which the Emperor alone is allowed to exerciſe certain rights of ſupremacy throughout Germany, or a State of the Empire is prevented exerciſing them, without a particular grant for that purpoſe.

A right of this kind which is reſerved by the Emperor at preſent, is that of conferring a ſuperior degree of rank. The patents for creating Princes, Counts, Barons, and inferior nobility, are ſtill granted by the Emperor, and not by virtue of the territorial power

BOOK XIV.

power of the States; although there are States, and others, who have been appointed Counts Palatine of the Emperor's Court, and inveſted with the power of conferring them. Other dignities, which have never yet been conferred, except by the Emperor's power, are no longer applied for to him in perſon, but to the Counts Palatine of his Court, who are commiſſioned or inveſted with a COMMITTIVE, as it is called, to confer them, ſuch as the title of Imperial notary, &c. The frequent abuſe of this power (*a*), has even occaſioned patents not to be admitted in ſome countries, without the approbation of the ſovereign being previouſly obtained, and a due examination of the candidate (*b*).

(*a*) A Baron Vöhlin, by virtue of a patent granted to his anceſtors by the Emperor Sigiſmund, in 1417, appointed a ſurgeon at Augſburg, Count Palatine of the Emperors Court, with authority to confer the Degree of Doctor.

SCHLÖZER's Correſpondence, vol. X, p. 258.

(*b*) At Dreſden a butcher was made a notary, in conſequence of which a general order was iſſued by the Elector, February 19, 1721, to prohibit the admiſſion of any notaries, in his courts of judicature, who had not a certificate of their abilities from a Faculty of law in the Electorate, and were matriculated by the government.—Improved Statutes of Proceſs for the Electorate of Saxony, Append. p. 69.—The ſame order was made in the ſtatutes of the High Court of appeal, in the Electorate of Brunſwick, 1713.—WILLICH's Laws of the Electorate of Brunſwick, vol. II. p. 833.

Several

CHAP. IV.

Several rights of ſovereignty, which formerly belonged to the Emperor alone throughout Germany, are only ſo far his at preſent, that they are exerciſed by the States, not by virtue of their general territorial power, but by a particular grant from him. Thus, for inſtance, the Emperor has no longer any tolls upon the rivers, in his Imperial capacity, and yet there are very few of the States who have not one, and ſometimes more. Notwithſtanding this, the right of eſtabliſhing tolls is even now no part of the territorial ſovereignty, ſo that a State may eſtabliſh them at pleaſure; but a particular grant muſt be procured for that purpoſe from the Emperor; neither can the demand be raiſed, or any alteration be made in them without his particular conſent; and even this is not ſufficient, but the conſent likewiſe muſt be obtained of all the Electors (*a*). (The Houſe of Brandenburg alone aſſerts a right, founded on a particular grant of the Emperor Frederick III. of eſtabliſhing tolls in its territories at pleaſure). The right of coinage, which is no longer peculiar to the Emperor, but exerciſed at preſent by almoſt every State, is of a ſimilar nature. It does not legally belong to any State, unleſs he has obtained a particular grant for that purpoſe from the Emperor, which muſt have the conſent likewiſe of the Electors (*b*).

(*a*) Capitulation, Art. 8.

(*b*) Receſs, 1570, § 132. Capitulation, Art. IX. § 6, 7.

BOOK XIV.

Every State has the right of founding Univerſities, public Schools, and learned Societies of all kinds in his dominions as far as relates to the appointment and ſalary of the perſons belonging to them, and indulging them with peculiar privileges; but the right of conferring Academical Honours, according to the diviſion of the Four Faculties, as they are called, of Divinity, Law, Phyſic, and Philoſophy, by which the Univerſities of Germany are particularly diſtinguiſhed, can only be obtained by a privilege granted by the Emperor, as in the inſtances of the Univerſities lately founded at Göttingen in 1733, at Erlangen in 1742, and at Stuttgard in 1781; although the laſt of theſe has no Theological Faculty, and is under this reſtriction, that Academical Honours can only be conferred on thoſe who have ſtudied in the place.

With reſpect to ſome rights, a doubt ſtill remains whether, and how far, they may be exerciſed by the territorial power of a State, or whether they muſt be granted by the Emperor. It was the cuſtom formerly to procure a privilege from the Emperor for the municipal rights of trading companies, the eſtabliſhment of annual fairs, and even for weekly markets; but as the States are not prevented by any laws or particular obligation, from making what regulations they pleaſe of this kind, in their own countries, they are now left fully at liberty; although the regular fairs, or MESSEN as they are called, ſuch as are held at Frankfort on the Mayn, and on the

Oder, at Leipſic, Naumburg, and Brunſwick, have all been eſtabliſhed hitherto in conſequence of privileges granted by the Emperor; and there have always been ſubſtantial reaſons for the diſtinction between MESSEN, or great fairs, and the others which are called JAHRMARKTEN, or annual fairs of an inferior kind (*a*). CHAP. IV.

Inſtances

(*a*) The deſign of the JAHRMARKTEN, or annual fairs, was, that the inhabitants of a place ſhould not be abſolutely bound to purchaſe merely of their own ſhopkeepers and trading companies; becauſe they refuſed, on accout of their municipal privileges, to ſuffer any wares which they imported, or manufactured, to be bought of ſtrangers. When this excluſive right had no exception, the inhabitants were often deprived of many neceſſary articles which their own merchants or tradeſmen had not in their ſtock, or they were not of ſo good a quality, or elſe the price was raiſed even for goods of an inferior ſort, as they pleaſed. In order to remedy this evil, tradeſmen from other places were allowed to expoſe their goods to ſale at an annual fair, that the inhabitants of that place, and the adjacent country, might have their choice of ſuch foreign, as well as domeſtic articles, which they might ſtand in need of, and that the tradeſmen might ſell their goods by a ſmall meaſure, or by weight, as the purchaſers required. The regulations neceſſary to be made for this purpoſe are certainly in the power of every State by virtue of his territorial Sovereignty. He can oblige the Guilds and incorporated Companies to make this exception to their rights, which may be otherwiſe excluſive; he may determine when fairs ſhall be held, and how far their privileges ſhall extend; and he will always have the neceſſary means in his power to preſerve tranquillity and order. With

BOOK XIV.

Inſtances have occurred in the middle ages of Provincial cities even obtaining their municipal rights from the Emperor, as the city of Schweinſberg in Heſſe, from Lewis of Bavaria. But in the preſent day, every State can certainly confer all the rights which diſtinguiſh cities from ſmall towns and villages, by virtue of his own territorial power; whether a new city be built from the ground, or a ſmall town or village be converted into one, by paving the ſtreets, ſurrounding them with walls and gates, by appointing a Senate, incorporating trading companies, eſtabliſhing annual fairs or markets, or breweries, and other branches of trade

reſpect to the MESSEN, as they are called, or the ſuperior kind of fairs, they are of a different nature, and not eſtabliſhed merely to afford an opportunity to the inhabitants of a town and the adjacent country to purchaſe neceſſary commodities; but to carry on a wholeſale trade, to which not only private perſons, but merchants and extenſive dealers are invited from other countries, who purchaſe to ſell again. It is not expected that a perſon will buy there by the ell, or by any inconſiderable weight and meaſure; but the articles are diſpoſed of in whole pieces, by dozens, by the groſs, or in caſks, bails, by the hundred weight, &c. and the purchaſers not only lay in a ſtock for their own conſumption, but take large quantities to ſell again. The frequenters of both kinds of fairs wiſh, no doubt, to draw as great a number of dealers, and to procure as many articles of trade as poſſible from all quarters, both far and near. Hence it may be eaſily conceived, that charters and privileges, which a State of the Empire can only grant within the limits of his own dominions, cannot have the ſame effect as a privilege granted by the Emperor, which is valid throughout Germany.

for

for the ſubſiſtence of the inhabitants. Nothing of this kind can be done by virtue of the Emperor's power alone, without infringing the rights of the States. CHAP. IV.

The circumſtance is very different when a State can produce any Imperial privilege, a Treaty, or any other ſubſtantial legal reaſon, to prevent a new city from being founded in his neighbourhood within a certain diſtance, as in the caſe of the Imperial city of Frankfort on the Mayn, the government of which will not conſent that Offenbach, a place in the adjacent territory of the Prince of Iſenburg, ſhould be made a city. In the ſame manner likewiſe the city of Hamburg proteſted againſt a charter of this kind being granted to Altona, in Daniſh Holſtein. On ſuch occaſions as theſe an expreſſion has been inſerted of late in the Emperor's Patents, implying that no city can be erected without a particular grant for that purpoſe (*a*); but this is more a form

(*a*) Thus Maximilian I. wrote to Albert Count of Mansfeld, February 6, 1514, when he was about to grant municipal rights to the village of Eiſleben: "Since you nor no "others are allowed to confer municipal or any other rights "dependent on the ſupreme power, without particular per- "miſſion, &c." STEPHANI *de Juriſd.* part II. p. 54, n. 115. Leopold likewiſe wrote in the ſame ſtyle to King Frederick III. of Denmark, November 14, 1664, on a complaint from Hamburg reſpecting Altona: "Since it is one of our Im- "perial and reſerved rights, that no State ſhall convert any "place into a city, or confer municipal rights without our "conſent." PFEFFINGER *ad Vitriar.* tom. III. p. 144—164.

BOOK XIV. of Chancery, than a proof of what is ſo directly contrary to the analogy of the preſent conſtitution and the cuſtoms prevalent in Germany.

Another kind of privilege which was frequently applied for, and obtained in former times, even by the mediate members of the Empire, was the Letters of Reſpite or MORATORIEN as they are called, by which a debtor is ſecured for a certain number of years from the legal meaſures which his creditors might otherwiſe have recourſe to. Theſe appear even now to be very ſuitable to the particular circumſtances of a perſon being indebted, not only to his own countrymen, but to foreigners, to whoſe prejudice it does not appear to be in the power of a third State to grant his ſubjects Letters of Grace. The deſign of the MORATORIEN ſeems to be, that every one who has a claim upon any other perſon, ſhould bring the action againſt him in the Court of Judicature of his country, and ſubmit to the ſentence paſſed according to the laws of that place; of courſe, therefore, a creditor who is the plaintiff, muſt not only ſubmit to the laws of the country where he brings his action, but to the ſentence of the ſupreme power to which the debtor is ſubject; and if the ſupreme power of that country thinks it moſt conducive to the public welfare to direct the Court of Judicature to delay execution, and allow the debtor, who may be reduced perhaps to unfortunate circumſtances without any fault of his own, a cer-

a certain time to recover himſelf, the creditor of another country muſt ſubmit. If another State thinks himſelf injured by an act of this kind, he may certainly retaliate in ſimilar circumſtances; or elſe, which is a very natural conſequence, if theſe Letters of Reſpite are abuſed, and improperly conferred by any particular State, ſtrangers of other countries will avoid giving any further credit to his ſubjects. So far, however, as the queſtion only relates to the right of the ſupreme power, the principle cannot be doubted; according to which, the Letters of Reſpite, granted by a State of Germany, ought to be as much reſpected, even by foreigners, as thoſe of any independent Power. CHAP. IV.

Upon this principle it is at leaſt a ſuperfluous caution for mediate members of the Empire not to reſt ſatisfied with the Letters of Reſpite granted by the government of their own country, but to make further application to the Emperor. In caſe, however, any ſubject ſhould make ſuch an application to the Emperor, and neglect his own government in future, the late laws of the Empire have made ample proviſion to prevent ſuch Letters of Reſpite being granted to mediate ſubjects before a report is procured from their own government (*a*). What inducement, therefore, can any one have not to make immediate application in his own country firſt, ſince the Emperor

(*a*) Receſs, 1654. § 175.

BOOK XIV.

himſelf, without a previous and favourable report, will not attend to his requeſt?

There are a few inſtances of the ancient univerſal concurrent juriſdictions of the Emperor and the territorial Sovereign ſtill remaining, ſuch as the power of diſpenſing with ſome of the years of an infant's minority *, and legitimating natural children. The right of conferring theſe privileges belongs to every State in his own country, and yet application is often made for them, and obtained from the Counts Palatine of the Emperor's Court; but even then, a certificate may be required by the government of the country where ſuch privileges are made uſe of; and if they are not approved of, proper meaſures may be adopted to prevent their validity.

All other grants which give the perſons who receive them any excluſive right, or lay any obligation upon other perſons with reſpect to them, may be conferred by any of the States in their own territories. Sometimes an Imperial Privilege, or Patent, is granted to enable a perſon to diſpoſe of certain medicines, diſtilled waters, &c. under the Emperor's protection throughout Germany; but this can lay no obligation upon a State to ſuffer the ſale of ſuch articles in his territories againſt his will. When a Pa-

* Allowing an infant all the advantages of full age, which in Germany he would not otherwiſe enjoy before he is twenty-five.

tent

tent of this kind is general throughout the Empire, it is always previouſly underſtood, ſo far as no State has any objection to allow it in his particular territory (*a*), much leſs can the Emperor grant any excluſive trade or monopoly. If this was not the caſe, and Patents could be procured from the Emperor by any individual for the excluſive ſale of ſuch articles as ſalt, tobacco, cards, and other things of that nature, throughout Germany, they would be almoſt invaluable. CHAP. IV.

The excluſive privilege which may be granted by the Emperor for the ſale of books throughout the Empire, appears to be a very ſingular circumſtance; but in fact the real cauſe of it is only to make an exception to the privileges granted to the bookſellers at the fair of Frankfort on the Mayn, and prevent their re-printing ſuch books as are indulged with this right. With reſpect to the ſale of books at Leipſic, which is much greater than that at Frankfort, the privileges granted there by the Elector of Saxony are allowed to be of equal validity with thoſe granted by the Emperor; for which reaſon they are now much more frequent. Only ſuch books are privileged in general, in which the authors themſelves, or publiſhers, have any property likely to be injured by their republication in another place, that the ſale of ſpurious editions of them at the Frankfort

(*a*) Capitulation, Art. VII. § 3—4.

fair

BOOK XIV.

fair may be prevented, and the offenders made liable to puniſhment. An excluſive privilege, entitling any individual to print and ſell a book, which is equally the property of others, can only be granted by the territorial power of a State in his own country, which is frequently the caſe with Almanacks, Bibles of different ſizes, Hymn books, Latin and other ancient Authors, School books, &c. An excluſive right of ſelling books of this kind throughout Germany cannot be granted by any privilege from the Emperor.

The obſervations I have made on this ſubject are ſufficient to mark the line between the Imperial and territorial rights, agreeably to the conſtitution of Germany. It is evident that the Emperor has certain rights throughout the Empire, which are termed his *Reſervata*; but they always owe their origin to particular cauſes, which generally concern ſuch objects as lay no reſtraint upon the territories of a State, and which exiſted in early times, before the territorial Sovereignty was perfectly eſtabliſhed. The effects legally produced within the limits of the territory of a State are included in his Sovereignty; all the rights of which it is univerſally underſtood, may be exerciſed in his own country, without any reſtriction from the Emperor whatever (*a*).

Every

(*a*) The Emperor promiſes in his Capitulation, Art I. § 8. "not to ſuffer the States to be prevented in, or any encroach-
"ment

CHAP. IV.

Every State of Germany, therefore, is actually entitled, as much as any other independent Power, to take ſuch precautions, make ſuch regulations, and adopt ſuch meaſures, as the welfare of his country requires. In the ſame manner likewiſe, as ſeveral of the European Powers obſerve, in many reſpects, a reciprocal equality, the ſame is allowed to a State of Germany; as in the right of ſending Miniſters to other Courts, except thoſe of the firſt rank, which, I have already obſerved, are peculiar to Electors (*a*), and even a reciprocal acknowledgment of different degrees of rank, and particularly in the army, which are acknowledged throughout Europe. In this laſt reſpect the rank of a Lieutenant General, for inſtance, in the Saxon, Brunſwick, or Heſſian ſervice, would not be diſputed by officers of the ſame ſtanding in the ſervice of Kings. This circumſtance certainly makes it appear very ſingular, that a German Prince cannot in the ſame manner, by his own territorial power, confer Nobility or Academical Degrees, as the titles of Doctor or Maſter; but this difficulty is eaſily ſolved by the recollection, that the preſent military regulations were made after the States acquired their territorial ſovereignty, which includes all ſubſequent rights;

" ment to be made on, the rights exerciſed within their own " territories, either in matters of religion, politics, the admi- " niſtration of juſtice, concerns of the revenue, or criminal " juriſdiction, under any pretext whatever."

(*a*) See Vol. II. p. 209.

whereas

BOOK XIV.

whereas the rights which were prior to this, and which it was cuſtomary for the Emperor to exerciſe throughout Germany, have remained peculiar to him as his *Reſervata.*

Neither can it be doubted, that a State of the Germanic Empire may be involved in a war with another Power, and increaſe his ſtrength by a foreign alliance; as in the caſe of Biſhop Bernard of Munſter, who when he was attacked by the Dutch, was in alliance with the Engliſh. As independent Powers have recourſe, likewiſe, in caſes of neceſſity, to repriſals, ſo the Margrave of Baden did not heſitate in the year 1772, when a veſſel belonging to Kehl was detained at Straſburg, to detain one alſo belonging to that city, till it was reſtored. Reciprocal Treaties likewiſe of every kind, which are made between independent nations, are common not only among the States themſelves, but with other European Powers; as the Crown of France, when the boundaries were determined between that country and Germany, in the year 1766, concluded a formal Treaty with the Biſhops of Liege and Baſil, the Princes of Naſſau Saarbruck, and the Counts de la Lippe, in the ſame manner as with the Houſe of Auſtria; Treaties of the ſame kind likewiſe have been concluded with ſeveral States, reſpecting the abolition of the *Droit d'Aubaine.*

Conſidering all theſe circumſtances, a liſt of the European Powers, as they exiſt at preſent, would be

be imperfect if the States of the Germanic Empire were omitted. Although the Electors and Princes are not entirely independent, yet they are certainly entitled by their military forces, and the use they are able to make of them, to consider themselves in the number of the European Powers with as much, if not a greater right than the Principalities which are not independent in Lombardy, or the Dutchy of Courland are reckoned among States; and although all the States of Germany are not in possession of the same degree of power, or are not of the same importance; yet the quality of the right in question cannot be changed, any more than Ragusa, San Marino, and Gersau, can be excluded from the number of free States, because they are not so powerful as others. Some restriction, indeed, of the territorial power of the States may arise from the STAATSDIENSTBARKEITEN, as they are called, or *servitutes juris publici*; by virtue of which the natural liberty of one State is in some respects restrained in favour of another from doing something which he might otherwise do, or else he may be obliged to suffer what he would not in other circumstances. It is possible that these services may exist indeed among other independent Powers; but not easily, except in consequence of particular articles of Peace or Treaties, by which one Power submits in these respects, though very unwillingly, to another; of course, therefore, very seldom. Such instances are more frequent in Germany, on account of the variety of relations in which the States stand to each other; CHAP. IV.

BOOK XIV.

mediate foundations often originated from the rights of juriſdiction claimed by theſe Protectors. The Archbiſhopricks, Biſhopricks, and Abbeys, which are now immediate, have had recourſe to all kinds of means in order to get rid of them, although they have not all ſucceeded; as the Houſe of Brandenburg ſtill exerciſes an hereditary right of this kind over the Princely Abbeys of Quedlinburg and Eſſen.

Imperial cities, likewiſe, had their advocates formerly, who were appointed by the Emperor to exerciſe certain rights of Sovereignty in his name. Moſt of them however have recovered the poſſeſſion of theſe rights themſelves, either by the particular indulgence of the Emperors, or by mortgage, and have united them to the government exerciſed by their own magiſtrates; although there are ſome Imperial cities, in which neighbouring States ſtill continue to enjoy them, as at Aix la Chapelle, where the Palatine Houſe exerciſes them in behalf of the Duchy of Juliers, the Houſe of Heſſe-Darmſtadt at Wetzlar, the Houſe of Brunſwick at Goſlar, &c. The extent or limitation of theſe rights muſt be determined by the Treaties and cuſtoms of the different places; but thoſe which are generally claimed, are the appointment of particular civil officers, keeping a garriſon, levying certain impoſts, &c.

CHAP-

CHAPTER V.

Particular sources of the great variety among the States of Germany.

Frequent instances of several States devolving by different means to one Sovereign—which has had a considerable influence on the increase of power of several Houses; as well as upon the constitution of the countries themselves—particularly in those where the Sovereigns are not resident—Several ecclesiastical territories frequently united under one Sovereign, by accident, and only during his life—The same circumstance likely to occur sometimes in secular countries, in the case of the appointment of a guardian, or a DEBITCOMMISSION—Younger children who enjoy appenages, and widows, or heiresses, may undertake the government—Many countries on the contrary have several Sovereigns who are jointly in possession of the government, or enjoy it alternately—Singular regulation of some countries being in the possession of the younger branches of a House who are subject in certain respects to the elder—Another kind of dependence of the territories of individuals among the Free Nobility, or Knights of the Empire, upon whole Cantons or Circles—of the countries of the States on the Collegiate measures, or Decrees of the Circle—Disputes sometimes concerning the state of immediacy and freedom of certain members of the Empire—or EXEMTIONSSTREITIGKEITEN as they are called—by which many who consider themselves as immediate, become mediate—In some cases different degrees of freedom, or subjection, determined by Treaties—Among so great a number of different States, there must naturally be a great variety of more or less fortunate countries—

BOOK XIV.

as well as territories of the Free Nobility—and Imperial Cities—Upon the whole, many advantages evidently in favour of the Germanic Conſtitution—A circumſtance which may animate every German, by affording him chearful proſpects for futurity.

A CIRCUMSTANCE, without which it is impoſſible to form a juſt idea of the Germanic Empire, and the particular States of which it is compoſed at preſent, is, that a number of countries, each of which had formerly its own particular Sovereign, have devolved in latter times to one territorial Lord. A conſiderable number was included, by the Peace of Weſtphalia, among the ſecularized territories ceded to Sweden, and the Houſes of Brandenburg, Mecklenberg, and Heſſe (*a*); after which the Biſhopricks likewiſe in the Circle of Upper Saxony remained in the poſſeſſion of the Houſes of Saxony and Brandenburg (*b*). But the chief cauſe of the reigning Houſes becoming extinct at preſent much more frequently than formerly, muſt be attributed to the right of primogeniture, which has lately been ſo generally introduced, according to which it uſually happens that only the eldeſt ſon of a Houſe can marry ſuitably to his rank, and perpetuate his family, while the younger ſons have no reſource but to paſs their lives either in the army or in religious foundations. Several branches into which the Houſes of the States of the Empire were formerly divided, have, owing to this circumſtance, gradually become

(*a*) See Vol. II. p. 63, 65, 67. (*b*) Ibid. p. 76.

extinct,

extinct, and their territories have devolved either by means of Pacts of confraternity, reversion, the consolidation of Fiefs, or from some other cause, to other States. CHAP. V.

Many of the States have in this manner gradually acquired such an increase of territory, that there is no comparison between the power, which most of them enjoy at present, and that which individuals could boast of formerly, at least at the time of Henry the Lion (*a*). This has generally had a considerable influence upon the constitution of the countries themselves. Many Counties or Seigniories, which were formerly immediate, are now incorporated with more extensive countries, and there are scarcely any traces left of their having originally been separate territories, subject to their own Lords. There are some instances of two or even several countries, which were originally totally independent of each other, being united; like England and Scotland, in Great Britain; as Juliers and Berg; the different countries which now compose the Electorate of Saxony; and several others. Some countries, although they have devolved to other States, have nevertheless preserved their own offices of government, and Courts of justice, their Provincial States, mode of taxation, laws, &c. and the only difference is, that the Sovereign himself is no longer resident; but that they are subject to a Prince at some distant place, as in the many instances which have lately occurred

(*a*) See Vol. I. p. 207.

BOOK XIV.

with reſpect to the extinct Houſes of Saxe-Eiſenach, Oſtfrieſland, Brandenburg-Bayreuth, Baden-Baden, and others. It has frequently happened likewiſe, that a State, upon ſucceeding to a more extenſive territory, has left his former reſidence, and fixed his Court in the newly acquired capital; as in the late inſtances of the removal of the Court of Palatine Bavaria from Manheim to Munich, and the Court of Heſſe from Hanau to Caſſel.

The conſequence of this is an evident difference between thoſe countries, in which the Sovereigns are reſident, and others. The latter are not only deprived of the advantages uſually reſulting from the neighbourhood of a Court, with reſpect to the ſubſiſtence of the people; but it often happens, that they are left to their own Colleges of government or a Stadtholder, though always in a ſtate of dependence on their diſtant Sovereign, or thoſe who are near his perſon. The Sovereigns of many countries reſide even out of the borders of Germany, as in the caſes of Swediſh Pomerania, the territories of the Electoral Houſe of Brunſwick, and the Prince of Naſſau-Orange. The inſtances, however, are much more numerous at preſent, of the moſt diſtinguiſhed States of the Empire having countries to govern at a diſtance, which formerly had their own particular Sovereigns, although they themſelves reſide in Germany. There are ſome inſtances even of eccleſiaſtical Princes being in the ſame predicament; as the Elector of Mentz is Sovereign of Eichsfeld and the

city of Erfurt; and the Elector of Cologne is in like manner in poſſeſſion of the Dutchy of Weſtphalia. CHAP. V.

In the eccleſiaſtical countries, there is another particular kind of union, which is merely accidental, and frequently only during the life of the Sovereign. This is often the caſe, when ſeveral Sees or other eccleſiaſtical foundations come into the hands of the ſame perſon. It is certainly by no means conſiſtent with the original conſtitution of the Church, that more than one Archbiſhoprick, or Biſhoprick, ſhould be held by the ſame perſon, and in other Catholic countries, there has never been an inſtance of the kind; but as the See of Rome, by giving its ſanction, can juſtify any exception to the rules preſcribed by the eccleſiaſtical law, however great it may be, provided it apparently promotes the intereſt of the Papal Court; ſo the cuſtom has been long eſtabliſhed in Germany for an Archbiſhop or Biſhop to be recommended to ſeveral Sees, and authorized to be elected by the Pope (*a*). At the commencement of

(*a*) During the negociations of the Peace of Weſtphalia, the Proteſtants declared (February 1646,) "that as the Archbiſhopricks, Biſhopricks, Prelacies, and other Benefices in the Empire, were founded by Princes, Counts, Nobles, and others of the country, that their poſterity of the ſame rank ſhould be ſupported from them; it was quite contrary to the intention of the founders for one perſon to poſſeſs, as was often the caſe, two, three, four, five, and more of theſe foundations; by which the poſterity of the founders were almoſt excluded from the moſt diſtinguiſhed of them, and they came into

BOOK XIV.

of the ſixteenth century, a Prince of the Houſe of Brandenburg, united even in his own perſon the two Archbiſhopricks of Mentz and Magdeburg (*a*). There has not been an inſtance yet, however, of one perſon poſſeſſing two ſpiritual Electorates (*b*); as it would not be conſiſtent with the Germanic conſtitution, for the ſame perſon to be in the poſſeſſion of two Electorates, either ſpiritual or ſecular, although there is no law exiſting on the ſubject. But the other inſtances are very frequent, ſo much ſo, that with ſome Sees it is almoſt eſtabliſhed as a cuſtom; particularly with Bamberg and Wurtzburg, and Cologne and Munſter, which have ſo repeatedly had the ſame Sovereigns, though both theſe Chapters aſſert an independent right of electing Biſhops for themſelves. Other inſtances of the ſame Princes being in poſſeſſion of different Sees, as Mentz and Worms, Treves and Augſburg, Hildeſheim and Paderborn, are merely accidental and not ſo frequent.

the poſſeſſion of others, whoſe anceſtors had contributed nothing towards them; that an ordinance ſhould be enacted therefore, for every Archbiſhop, Biſhop, Prelate, or Canon, to be ſatiſfied with his preferment;" but this the Catholics would not conſent to. MOSER's Public Law of Germany, Part II. pp. 350. 358.

(*a*) See Vol. II. p. 376.

(*b*) When Lotharius Francis de Schönborn was Elector of Mentz, Francis Lewis Count Palatine of Newburg became his Coadjutor in the year 1710, and in 1716 he was Elector of Treves. After the death of the former, in 1716, he became Elector of Mentz, but reſigned his Archbiſhoprick of Treves, and Francis George de Schönborn was elected in his ſtead.

Such

CHAP. V.

Such inſtances as theſe, of ſeveral countries being united only during the life of a ſecular Prince, are not ſo likely to happen; but even this is not impoſſible, when a reigning Prince has the adminiſtration of the government of another territory in the quality of guardian; as the Duke of Gotha in this manner undertook the government of the Dutchy of Eiſenach for ſome time in the year 1749; and the Duke of Coburg, the Dutchy of Weimar (*a*); and as the Biſhop of Lubeck likewiſe is at preſent, Adminiſtrator of the Dutchy of Oldenburg. The caſes likewiſe may in ſome meaſure be reckoned alſo, when one State has a commiſſion from the Emperor to ſettle the affairs of another, who is involved in debt, by which that part of the government is committed to his care, which immediately concerns the public revenues and expenditure. Theſe commiſſions and guardianſhips may be entruſted to perſons who are not reigning Sovereigns, as in the inſtance of Prince Joſeph of Saxe-Hildburghauſen, who had the commiſſion for ſettling the affairs of that country; and as Prince Xavier of Saxony, by being the guardian of the preſent Elector, during his minority, was Adminiſtrator of that Electorate. In the ſame manner, likewiſe, the government of a country may be entruſted to the widow of a Prince, as the guardian of her ſons, inſtances of which have lately occurred in Weimar and Meinungen; or

(*a*) Pütter's Manual of the Hiſtory of the Germanic Empire, p. 1219.

BOOK XIV.

to younger branches of the Houſe, and ſometimes to females, who are entitled alſo to ſucceed, when they happen to be the ſurviving heireſſes of Houſes in which the male line is totally extinct, as in the illuſtrious inſtance of the reign of forty years of Maria Thereſia in the hereditary dominions of the Houſe of Auſtria.

As it is evident from the preceding inſtances how frequently, and by what a variety of means, a State of the Germanic Empire may be the Sovereign of more than one territory at once; ſo likewiſe on the contrary the inſtances are by no means rare of one territory having ſeveral Sovereigns. This may either happen by ſeveral perſons having joint poſſeſſion of the government of a whole country, which conſiſts of various Seignories; as two brothers, but a ſhort time ſince, had a joint ſhare in the government of Saxe-Meinungen; five brothers of Solms-Braunfels; and a number of the heirs to the allodial territories of the Houſe of Limburg, Princes as well as Counts had the government of thoſe places in common: or it may happen that two or more branches of a Houſe, who have divided their territories among them, may reſerve the community of certain parts of them; as the Ducal Houſes of Saxony have a joint ſhare in the Univerſity, and Aulic Court of Judicature at Jena; and the Houſes of Hanover and Brunſwick-Wolfenbuttel, jointly poſſeſs a part of the Hartz foreſt; or it may even happen, that ſome States who have otherwiſe no connection with each other, may have

have certain places, or diſtricts of land in common; as the Elector of Mentz, the Elector of Saxony, and the Houſes of Heſſe have joint poſſeſſion of the bailiwick of Trefurt; the Elector of Brandenburg, and the Count of Lippe Detmold, of the city of Lippſtadt; the Elector of Treves, and the Prince of Naſſau-Orange, of the city of Camberg; not to mention the GANERBCHAFTEN, as they are called, or co-heritages, to which ſeveral families may be entitled, either from the circumſtance of a conqueſt having been jointly obtained in former times, or from a ſort of foundation for noble families for ſeveral generations, as the GANERBSCHAFT Gelnhauſen, and Staden were, and the foundation of this kind which ſtill exiſts in the caſtle of Friedberg in Wetteravia (*a*). CHAP. V.

There

(*a*) The BURG or Caſtle of Friedberg takes its name from an Imperial city in Wetteravia, and conſiſts of an unlimited number of noble BURGMANNER or Caſtellains of both religions. The Provincial commander of the Teutonic Order at Marburg is the firſt, and the Commander at Frankfort on the Mayn the ſecond. Beſides theſe, any one who is deſcended from a Caſtellain only on his mother's ſide, and can prove his noble deſcent, can claim his admiſſion on the foundation. Twelve of theſe Caſtellains of both religions, called REGIMENTSBURGMANNER, or governing Caſtellains, are elected, from whom two BAUMEISTER or Architects are appointed every three years, and the BURGGRAF or Count of the Caſtle is elected for life, and confirmed by the Emperor. The revenues of the Caſtle are valued at twenty-thouſand florins, of which the Burggraf has ſix-thouſand, beſides the rights of the chace, and other privileges. In the year 1769, this foundation was honoured with an Order by the Emperor, the inſignia of which hang on a blue ribbon with a

BOOK XIV.

There are other inſtances of ſeveral branches of the Houſe of a State of the Empire entering into an agreement ſometimes reſpecting an alternative government, or MUTSCHIERUNG, as it is called; by virtue of which, ſeveral perſons ſucceſſively enjoy the government for one year, ſix years, or any other determined period. In this manner two branches of the Houſe of the Counts of Leiningen-Grünſtadt are alternately in poſſeſſion of the government for one year. The government likewiſe of the Biſhoprick of Oſnabruck is another kind of alternative, as it was eſtabliſhed by the Peace of Weſtphalia (*b*).

A very ſingular kind of government is occaſioned by the relation in which certain younger ſons of Princes or Counts ſtand to the elder reigning branch of the Houſe with reſpect to the territories allotted for their reſidence and maintenance; as the line of Heſſe-Rothenburg to Heſſe-Caſſel, Homburg on the Hohe to Heſſe-Darmſtadt, Alhalt-Hoym to Anhalt-Bernburg, Iſenburg-Philippſeich to Iſenburg-Birſtein, the Counts of Waldeck to the Prince of Waldeck, &c. In all theſe inſtances, by virtue of the right of primogeniture, there is only one reigning Sovereign, whoſe ſupremacy extends itſelf over thoſe territories likewiſe, which are in the poſſeſſion of the younger

black border, and have the mottos, *Virtutis æmulæ vitæ*, and *imperatoris auſpiciis lege imperii*. The Burg or caſtle itſelf is reckoned among the immediate members of the Empire.

(*b*) See Vol. II. p. 65.

branches;

branches; and yet notwithſtanding this, the youn- CHAP. V.
ger ſon is the real Lord of his own territories, except in ſome particular rights of ſupremacy, which are reſerved for the elder reigning Sovereign. In all other reſpects he exerciſes a dominion without reſtriction, and remains in his own perſon, as well as with reſpect to his family, an immediate member of the Empire, although he may take no part perhaps in the ſeat and voice either in the general Diet or the Diets of the Circles. This is a ſingular kind of a dependent form of government, which is generally ſettled by particular Treaties of the different Houſes; and is the occaſion of frequent miſunderſtandings (*a*).

If a poſſibility can be conceived, moreover, of ſeveral States entering into a perpetual union, and appointing certain repreſentatives to undertake the care of their joint concerns; the Free Imperial Nobility or Knighthood of the Empire may afford an inſtance of it; for although each individual Knight may be conſidered as the Sovereign of his ſmall territory, yet their general concerns are entruſted to the Captain, as he is called, and the Counſellors of each Circle, and the concerns of ſeveral Cantons are under the direction again of one of the three Circles into which they are all divided. To this may in ſome meaſure be compared the con-

(*a*) An inſtance of a diſpute of this kind between Iſinburg-Birſtein and Philippſeich occurs in PUTTER's Caſes of Law, Vol. II. part II. p. 488—509.

ſtitution

BOOK XIV.

ſtitution of the four Colleges of the Counts of the Empire, and the two benches of Prelates; and another particular form of government of this kind appears in the conſtitutional Diets of the Circles which occaſionally meet, particularly in Swabia, Franconia, and the Upper Rhine.

In the latter caſe it is frequently a diſputed point, how far the Decree of a Circle can be a law to the individual members of it, or the Collegiate Decree of the Counts or Prelates, to individuals of their order; or, laſtly, the Decree of a Canton or Circle of Free Nobility, to individual Knights in their reſpective territories; nearly in the ſame manner as diſputes may ariſe between the States General and ſingle Provinces in the united Netherlands. The making of *Chauſſées**, or public roads, for inſtance, has occaſioned the queſtion to ariſe, Whether they ſhall be left to every proprietor in his own territory, or the neceſſary regulations be made by a general Collegiate Decree? Another queſtion likewiſe has ariſen, Whether the rights of confiſcation are to be allowed to a whole Canton or Circle of Free Nobility, &c.?

But diſputes have even frequently ariſen concerning their immediacy and freedom in general, which in ſome reſpects ſtill continue; as the proprietor of a noble eſtate often pretends to be

* The beſt public roads in Germany, where the ſoil is not ſufficiently hard, are paved for many miles. In the Hanoverian dominions his Majeſty has expended many thouſands in this among other works of public benefit. The road from Hanover to Heſſe-Caſſel, a diſtance of 80 Engliſh miles, is a cauſey which would have done honour to the ancient Romans.

an

an immediate member of the Empire, when he is claimed by ſome State as his ſubject; or elſe a City, a County, a Principality, a Prelacy, a Commandery, and ſometimes even a Village, pretends to be immediate, and a neighbouring State aſſerts his right to it as a part of his dominions. Several cities and territories have formerly been in the actual poſſeſſion of their immediacy, or at leaſt of almoſt an equal degree of liberty and independence; but have had the misfortune to be under the neceſſity of ſubmitting to the territorial ſovereignty of ſome other State. This has been the fate of the cities of Mentz, Treves, Munſter, Paderborn, Donawerth, and Erfurt and even with whole territories; as the Seigniory of Aſch, whoſe proprietors, the Barons of Zedtwitz, were formerly in poſſeſſion of their immediacy, but have been obliged for ſome years paſt to acknowledge the ſupremacy of Bohemia (*a*). CHAP. V.

This converſion of an immediate member of the Empire into a mediate one, is called in the language of the laws of Germany an EXEMTION. It is ſaid, for inſtance, that the Houſe of Bavaria exempted the city of Donawerth, or diſſolved its immediate connection with the Empire; and either *cum vel ſine onere*, that is, whether the State becomes anſwerable for the contributions formerly paid by the exempted diſtrict, or not. It is natural to ſuppoſe, that a tranſaction of this kind cannot legally take place merely by arbitrary power; and the queſtion

(*a*) See p. 230, PUTTER's Caſes of Law, Vol. II. part IV. p. 829—964.

is

BOOK XIV. is frequently diſputed on both ſides, either with the Fiſcal of the Empire, or with the Circle, whether ſuch an exemption be well grounded, or, which is the ſame thing, whether the place has any legal claim to immediacy; as in the inſtance of the city of Treves in the year 1580, when its immediacy was diſallowed by a Decree of the Emperor, with the concurrence of the Electors (*a*).

Some of theſe diſputes reſpecting exemptions have been adjuſted by Treaty; ſometimes by allowing the immediacy in the fulleſt manner; as the King of Denmark acknowledged Hamburg, in the year 1768, to be a perfectly free Imperial City, on account of the Dutchy of Holſtein (*b*); and the Abbot of Nereſheim was acknowledged by the Houſe of Oettingen-Wallerſtein, in 1763, as an immediate Prelate of the Empire. On ſome occaſions, Treaties of this kind have produced a certain reſtriction of freedom, or different degrees of ſubjection. Thus the Princes of Schwarzburg and the Counts of Stollberg, who although they are Princes and Counts of the Empire, yet the former are in ſome reſpects ſubject to the different Houſes of Saxony, and the latter to the Houſes of Saxony, Brandenburg, and Brunſwick, particularly with reſpect to appeals and the ſupreme legiſlative power. On the other ſide, although the Prelacy of Ebrach in Franconia acknowledges the

(*a*) See Vol. II, p. 118.

(*b*) Busch's Affairs of the World in modern Times, 2d edit. 1783, p. 371.

territorial

territorial ſupremacy of the Biſhop of Wurtzburg, yet it is only in certain caſes, which are particularly expreſſed, beyond which the exerciſe of the territorial ſupremacy is not admitted (*a*). The Princes of Hohenlohe, as proprietors of the Seigniory of Gleichen, are ſubject to the territorial ſupremacy of the Duke of Gotha; notwithſtanding which, they enjoy certain privileges, ſuch as their own chancery, a particular conſiſtory, &c. which the other Vaſſals, and Provincial States of Gotha, are not allowed. The city of Hildeſheim is under the ſupremacy of the Biſhop of that Dioceſe, and yet it is exempted from almoſt all his territorial rights. The city of Eſſen likewiſe became ſubject to the ſupremacy of the Abbeſs of the foundation there, by virtue of a Decree of the Imperial Chamber in 1670, and yet it is not obliged to do homage, is exempt from the payment of taxes, and has its own criminal juriſdiction; although when a capital convict is condemned, the ſentence muſt be enforced by the executioner in the ſervice of the Princeſs with a particular ſword *, which is uſually hung up naked in the Senate-Houſe. That city likewiſe has ſtill the right of appeal to the ſupreme Tribunals of the Empire. In eccleſiaſtical countries the members of the Chapters, except during a vacancy of the See, are mediate; yet they

CHAP. V.

(*a*) PÜTTER's Caſes of Law, Vol. I. Part II. pp. 317. 347.

* The uſual puniſhment in Germany for capital offences is beheading with a broad ſword. The criminal is obliged to kneel, and the executioner ſeldom fails to perform his office with a ſingle blow.

BOOK XIV.

are often in poſſeſſion of whole territories, with ſuch privileges that the exerciſe of the territorial power of the government can ſcarcely be obſerved (*a*).

Conſidering all theſe circumſtances, and the great variety produced by them in the different States and territories of Germany, it is natural to imagine from the freedom they enjoy, that they have not all arrived to an equal degree of perfection. We may in this reſpect obſerve ſuch a prodigious difference, that perhaps a greater variety of fortunate and leſs fortunate States cannot be conceived than may be met with in the Germanic Empire. There are certainly inſtances of States having ſubjects to govern, who anſwer the deſign of their ſituation by making the welfare of their countries the grand object of their wiſhes and moſt zealous labours; and how happy is the lot of thoſe countries, whoſe rulers are fortunate in the choice of their Counſellors and Miniſters; and when the Sovereign, and thoſe who are in office under him, diſcover an equal zeal in the due adminiſtration of juſtice, in the appointment of able men to fulfil the duties of the church, and

(*a*). Thus the Chapter of Mentz are the proprietors of the city of Bingen and ſeveral villages, the market-towns of Hocheim and Flörſheim, and the villages of Mombach and Aſtheim, and there are ſeveral villages belonging to the Deanery. The Chapter of Hildeſheim poſſeſſes the bailiwick of Steinbruck and Wiedeloh; and a part of the city of Hildeſheim called the NEUSTADT does homage to the Dean as its ſuperior Lord.

ſchools;

schools; in the improvement and preservation of the public roads, in paying due attention to the state of coinage, and the regulations of the police; in promoting the means of subsistence of the subjects; encouraging and rewarding merit; and in every other duty which may be considered as the object of a good government. It cannot be supposed but that obstacles which cannot be easily removed, should sometimes prevent the execution of the laudable designs of the best Sovereigns. The soil of the different countries may not be equally fertile; they may not be favoured with the same advantages by nature and situation; errors may be deeply rooted in the constitution, and particularly with respect to an unequal division of the taxes; heavy debts may have been left by the predecessors in the government, or have been occasioned by a war; or else some other circumstances may have had their influence, and have been productive of a greater or less degree of prosperity. But some consolation may always be derived from the idea that we cannot expect to meet with any thing in this world entirely without defect. CHAP. V.

The condition of those countries is much more lamentable, where the evil depends solely on the disposition of the Sovereigns. When they imagine that the territories over which they govern are merely for their use, and that as territorial Lords they have a right to tyrannize over and dispose of their subjects, as much as the proprietor of a private estate is entitled to act with his property, and with

BOOK XIV.

the ſlaves attached to the ſoil, at pleaſure;—when they only conſult the gratification of their perſonal inclinations and paſſions, without conſidering whether their ſubjects are ſufferers or not;—when they are deſirous of having perſons about them, who contribute only to their pleaſures;—when they remain wilfully ignorant of their duty to conſult the welfare of their country, or at moſt only aſſume the appearance of doing it;—when inſtead of this, they devote their time to the chaſe, indulge a rage for military diſcipline, or make any other favourite purſuit their principal concern;—when the Sovereigns do not regulate their expences according to their revenues, but conſider the relation in which they ſtand to their territories only as they are enabled to extort greater ſums of money from their ſubjects: when this is the caſe, it certainly cannot be a matter of ſurprize that there are ſome countries, in which the ſubjects are oppreſſed with an enormous weight of taxes, and compelled to perform almoſt intolerable ſervices;—where nothing can be obtained either from the Sovereigns or their Miniſters without money;—in ſhort, where every thing is venal:—that as even offices and privileges muſt be purchaſed in ſuch countries, it ſeldom happens that proper perſons procure them;—that the appointment of proper clergy to the churches, the proſperity of the ſchools, making and maintaining good roads, and promoting the means of ſubſiſtence of the ſubjects are ſcarcely thought of; and that the adminiſtration of juſtice, and the regulations of the ſtate of coinage and police are in the greateſt diſorder.

Theſe

Theſe obſervations are applicable even to every individual member of the Free Imperial Nobility, as it is in the power of each of them to render the ſmall territory of which he is proprietor either happy or miſerable. The members of this body have ſo far a great advantage over the nobility whoſe eſtates are ſituated in other territories, that they need not be under any apprehenſion when they abuſe their rights of a ſuperior territorial power; but the happineſs of their ſubjects chiefly depends upon their own diſpoſitions, and ſometimes even upon the perſons employed in office under them; although the general conſtitution of the Free Nobility, and their diviſion into Cantons and Circles, may certainly occaſionally have their influence.

Laſtly, among the Imperial cities there appears alſo ſuch a variety of inſtances of governments, which are more or leſs happy than others; that although we may meet with one perhaps in a flouriſhing condition, where the magiſtrates and citizens live together in harmony; in another, nothing is to be obſerved but poverty and decay, miſunderſtandings and complaints;—in one, population increaſes; in another, a number of houſes remain unoccupied, and the ground lies deſolate and waſte;—in one city a ſpirit of induſtry prevails, and an increaſe of trade and commerce; in another, indolence, or elſe the inhabitants like villagers follow only the buſineſs of agriculture, or attend to the breed of cattle.

BOOK XIV.

Upon the whole, however, we muſt do the conſtitution of the Germanic Empire the juſtice to confeſs that it is not the moſt imperfect, but in compariſon with other countries, has certain advantages in its favour; at leaſt it is not to be attributed to the conſtitution that the different parts of Germany do not enjoy an equal degree of proſperity. Where there are defects and obſtacles remaining, let us hope that the ſame Providence, which hath hitherto evidently watched over the country, will continue to protect it: and why ſhould we not entertain the moſt chearful proſpects, when ſuch ſublime examples of activity, juſtice, and philanthropy promiſe to adorn the approaching age, as JOSEPH, GEORGE, and FREDERICK WILLIAM?

A

VIEW

OF THE

PRESENT STATE

OF THE

POPULATION, REVENUES, MILITARY ESTABLISHMENTS, &c.

OF THE

PRINCIPAL TERRITORIES

IN THE

GERMANIC EMPIRE.

FROM

The STATISTICAL TABLES, lately publiſhed at BERLIN, and other Authorities.

Principal Divisions.	Square Miles	Population.	Rate per Mile.	
GERMANY	12,000 Germ.	26,000,000	2166	
From 20° 5′ to 36° 40′ W. Long.—— 45° 12′ to 55° N. Lat.	Middle Calculation. 190,000 Eng. Polit. Geogr. London, 1790.	Moſt probable and uſual Calculation. According to Crome (1785) 27,401,579 Buſching 25,000,000 Gatterer 24,000,000	135	In a war of the Empire the ſum contributed by the Circles, amounts to 1 million of Dollars, or 1½ million Florins, in the following proportion, as fixed in 1708.
CIRCLES.	Ger. Miles			
1. Auſtria	2145	4,182,000	1949	306,369 Fl. 20 Cr.
2. Burgundy	469	1,880,000	4008	156,360 — 15 —
3. Bavaria	1020 (*Buſching.*)	1,600,000	1570	91,261 — 5 —
4. Franconia	484	1,000,000	2066	113,481 — 25 —
5. Swabia	729	1,800,000	2469	156,360 — 15 —
6. Lower Rhine	458	1,100,000	2401	105,654 — 5 —
7. Upper Rhine	500	1,000,000	2000	101,411 — 30 —
8. Weſtphalia	1250 (*Buſching.*)	2,300,000	1840	156,360 — 15 —
9. Lower Saxony	1280 (*Crome.*)	2,100,000	1640	156,360 — 15 —
10. Upper Saxony	2000 (*Mid. Cal.*) 961 (*See the fol. Tab.*)	3,700,000	1850	156,360 — 15 —
				1,500,000 Florins.
11. Bohemia		2,266,000	2358	
12. Moravia	396	1,137,000	2871	
13. Sileſia, Pruſſia, and Auſtria	720	1,800,000	2500	
14. Luſatia	180	400,000	2222	
	12,592	26,265,000	2085	

N. B. In Germany they reckon 15 miles to a degree, ſo that a German mile is ſomewhat more than 4 Engliſh; but in many parts the computed miles are at leaſt 5.

Free States of the Empire, nearly	300
Cities, more than	2300
Among which the number of Free Imperial Cities is	61
Market Towns, about	3000
Villages, more than	82,000

Page.	Data to ascertain the probable State of Population in Germany. Names of the Countries.	According to the following Tables.	According to Busching, 1784.
	Dominions of the House of Austria.		
P. 4	Archdutchy, or Lower Austria	1,685,000	
— 5	Inner Austria	1,585,000	
— 6	Upper Austria	625,000	
— 6	Anterior Austria	287,000	
	Whole Circle of Austria	4,182,000	4,150,000
— 7	Bohemia	2,266,000	2,100,000
— 7	Moravia	1,137,000	1,000,000
— 7	Part of Silesia	200,000	200,000
		3,603,000	3,300,000
— 8	Circle of Burgundy	1,880,000	1,600,000
		9,665,000	9,050,000
	House of Brandenburg.		
— 16	The Mark Brandenburg	1,057,000	1,007,232 without the army (1782)
— 15	Pomerania	465,000	462,970
— 17	Magdeburg, Mansfeld	280,000	271,461
— 18	Halberstadt, Hohenstein	132,000	130,761
— 18	Provinces in Westphalia	590,000	550,699
		2,524,000	2,423,123
— 20	Silesia	1,582,000	
		4,106,000	
	House of Palatine-Bavaria.		
— 22	Bavarian Territories	1,300,000	1,148,438 (1771).
— 24	Lower Palatinate	400,000	298,700 (1779).
— 24	Juliers and Berg	About 400,000	260,000
		2,100,000	1,707,138
	Electoral House of Saxony.		
— 26	Upper Saxony, and Franconia	1,470,000	1,326,000 (1775).
— 29	Lusatia	400,000	380,000
		1,870,000	1,706,000 (1756).
— 30	—— Brunswick-Luneburg	850,000	750,000

Page.	Data to ascertain the probable State of Population in Germany. Names of the Countries.	According to the following Tables.	According to Busching.
P. 34	Electorate of Mentz - - -	320,000	314,000
— 36	——— Treves - -	———	- -
— 38	——— Cologne and Bishoprick of Munster - -	550,000	Munster - 130,000
— 48	Deux-Ponts - - -		- - -
— 40	Weimar, without Eisenach -	65,000	- - -
— 40	Gotha and Altenburg - -	156,000	Gotha alone - 77,898 (1780).
— 42	Saalfeld, with part of Coburg -	25,000	
— 42	Meinungen ——— Coburg -	13,000	
— 44	Bayreuth, without Anspach - -	155,000	———
— 44	Brunswick-Wolfenbuttel - -	185,000	166,340 (1775), without the army.
— 46	Mecklenburg - - -	300,000	220,000
— 66	Holstein - - -	310,000	300,000
— 66	Swedish Pomerania - -	100,550	100,550 (1781).
— 48	Würtenberg - - -	585,000	565,890 (1782).
	Montbelliard - - -	50,000	
— 50	Hesse-Cassel and Hanau - -	450,000	700,000
— 50	Hesse-Darmstadt - - -	300,000	
— 52	Baden - - - -	200,000	
— 52	Oldenburg - - -	85,000	79,000 (1769).
— 54	Anhalt - - -	100,000	
— 56	Nassau-Diez-Dillenburg, &c. - -	130,000	74,000
— 56	Nassau-Saabruck-Usingen - -	35,000	
— 56	Schwarzburg - - -	100,000	100,000
— 56	Pyrmont - - -	4351	
— 58	Lippe - - -	64,500	
— 58	Reuss-Lobenstein - -	12,840	
— 58	Wernigerode - - -	12,500	

Page.	Data to ascertain the probable State of Population in Germany. Names of the Countries.	According to the following Tables.	According to Busching.
P. 60	Salzburg - - -	250,000	250,000
— 60	Bamberg - - -	180,000	400,000
— 60	Wurtzburg - - -	200,000	
— 64	Osnabruck - - -	120,000	116,667 (1772)
— 64	Liege - - -	200,000	
— 64	Fulda - - -	80,000	70,000
	IMPERIAL CITIES.		
— 67	Augsburg - - -	32,500	
— 67	Ulm - - -	15,000	
— 67	Hall, in Swabia - -	6000	
— 67	Reutlingen - - -	8000	
— 67	Heilbron - - -	8000	
— 67	Memmingen - - -	7000	
— 67	Kempten - - -	3650	
— 68	Kaufbeuern - - -	5400	
— 68	Ravensburg - - -	3500	
— 68	Biberach - - -	6000	
— 68	Weil - - -	1500	
— 68	Ratisbon - - -	35,000	
— 68	Worms - - -	6500	
— 68	Spire - - -	7000	
— 68	Frankfort on the Main - -	36,000	
— 69	Wetzlar - - -	8000	
— 69	Nurenberg, and territory - -	50,000	70,000
— 69	Rothenburg - - -	8000	
— 69	Windsheim - - -	4,500	

Page.	Data to ascertain the probable State of Population in Germany. Names of the Cities.	According to the following Tables.	According to Busching
P. 69	Cologne	40,000	
— 70	Aix la Chapelle	25,000	
— 70	Dortmund	4000	
— 70	Mühlhausen, and territory	13,000	13,000
— 70	Nordhausen	9000	
— 70	Goslar	8500	
— 70	Bremen	40,000	
— 71	Lübeck	30,000	
— 71	Hamburg	100,000	100,000

DOMINIONS

OF THE

HOUSE OF AUSTRIA.

Principal Diviſions.	*Square Miles.*	*Population.*	*Rate per Mile.*
AUSTRIAN TERRITORIES.	11,281 Germ. 180,000 Eng.	About 20,000,000, Reckoning the increaſe of population ſince the following calculation.	1772 108
1. *Hereditary Dominions in* Germany.			
Circle of Auſtria - -	2145	4,182,000	1949
Kingdom of Bohemia -	961	2,266,000	2358
Margraviate of Moravia -	396	1,137,000	2871
Part of Sileſia - -	81	200,000	2469
Auſtrian Netherlands -	469	1,880,000	4008
	4052	9,665,000	2385
2. *Dominions out of* Germany.			
Lombardy - -	192	1,324,000	6895
Hungary - -	3721	3,170,000	852
Illyricum - - -	808	620,000	769
Tranſylvania - -	1050	1,250,000	1189
Buckowina - -	178	130,000	730
Gallicia, and Lodomiria -	1280	2,800,000	2187
	7229	9,294,000	1285
	11,281	18,959,000	

Auſtria is well cultivated; produces corn, oil, wine, cotton, fruits, abundance of ſalt, and various minerals.

Bohemia is not ſo highly cultivated; but produces many minerals, abundance of flax and hemp, and various mineral waters.

Sileſia furniſhes excellent flax, and exports great quantities of linen.

The Netherlands raiſe abundance of corn, madder, and flax; and are famous for their fiſheries, and thread-lace.

The ſoil of Lombardy is excellent, and richly cultivated. The products are chiefly ſilk, corn, and linen.

Hungary produces wines, tobacco, hemp, barilla, cotton, and has rich ſilver mines.

Variations.

Buſching - - -	18,000,000	1744
Felbiger and *Hermann* -	18,850,000	1806
Crome, 1785, Tab. XII. without the new acquiſitions in Hungary.	21,000,000	2057
According to the modern Politicians of Auſtria, who include Tuſcany, more than	22,000,000	1865

Convents in the Auſtrian Dominions before the Reduction.

Monaſteries - 1443
Nunneries - 603 — 2046
Since the laſt reduction — 1143
Reckoning 24 perſons to each, the number of Monks and Nuns amounts to 27,432 (*Schlözer.*)

According to later accounts of De Luca, the number of Convents ſuppreſſed in Auſtria, Lombardy, the Netherlands, and Tranſylvania, from May 1782, to October 1784, did not exceed 204, which contained 5276 perſons.

Jews, upwards of - - 223,000
Proteſtants in the German hereditary dominions 80,000

Finances.

ANNUAL REVENUE.

According to Büſching, the hereditary dominions produced in 1770, 90,398,000 Imperial florins.

To this muſt be added the acquiſitions from Gallicia, Lodomiria, Buckowina, &c. ſo that the preſent amount, according to this calculation, is at leaſt 115 million Fl. or about 12,000,000l. ſterling.

The revenue in general exceeds the expenditure 18,000,000 livres.
Schlettwein, Ephem. April, 1784.

Schlözer makes the annual revenue, including the late acquiſitions, amount to 84½ millions of florins; Baron Riſbeck, B. I. Let. 35. to 82 millions.

Many politicians doubt the accuracy of the account given by Buſching.

Revenues of the different Countries.

	Schlözer.	Buſching.
Lower Auſtria -	13,050,000 -	17,980,938
Upper Auſtria -	2,510,000 -	5,023,338
Stiria - -	3,250,000 -	5,889,221
Carinthia -	1,250,000 -	2,386,884
Carniola - -	1,650,000 -	2,089,952
Friaul - -	700,000 -	357,368
Tyrol - -	3,600,000 -	3,658,712
Anterior Auſtria	700,000 -	2,876,177
Inn-Viertel -	500,000 -	——
Bohemia -	11,850,000 -	15,736,069
Moravia -	4,000,000 -	5,793,120
Sileſia - -	600,000 -	557,209
Netherlands -	6,000,000 -	3,184,135
Lombardy -	3,000,000 -	2,909,171
Hungary - -	16,000,000 -	18,004,153
Tranſylvania -	2,300,000 -	3,909,171
Illyricum -	1,000,000 -	——
Buckowina -	300,000 -	——
Gallicia & Lodomiria	12,000,000 -	——

Public Debt.
160,000,000 florins.—*Riſbeck's Trav.*

According to others, 200 millions; and ſince the commencement of the preſent war, the debt has accumulated prodigiouſly.

Military Eſtabliſhment.

276,000 Men. (1783.)
viz.
205,550 Infantry.
48,393 Cavalry.
8,958 Artillery.
12,749 Pontoniers, Miners, &c.
Hiſtor. Portef. B. XI. P. 100.

Near 300,000. (1783.)
Milit. Bibl. 2. St.
viz.
170,000 Inf.
50,000 Caval.
60,000 Troops in Garriſon, and on the Frontiers.

364,000. (1784.)
viz.
301,991 Inf.
50,905 Caval.
8,200 Artil.
1,274 Gar. Artil.
1,085 Miners, &c.
2,000 Reſerved Troops, &c.
Hiſt. Portef.
The laſt account appears to be exaggerated.

Diviſion of the Regiments ſince 1784.

German Infant. -	46
Hungarian - -	11
Heavy Cavalry -	12
Dragoons - -	7
Light Horſe -	6
Huſſars - -	8
Frontier Troops, Infant.	17
—— Huſſars	5
Engineers, Pontoniers, and other corps	11
Artillery - -	3
Total	126

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
I. THE ARCHDUTCHY, or LOWER AUSTRIA, contains	German 637 (*Herm.*)	1,685,000 (*Felbiger and Hermann.*) Middle Calculation.		2645		
1. The country on this ſide the river Ens	407			*Principal Cities.*		
		Cities - -	36			
		Market Towns -	256	Vienna	5392	206,000
		Villages and ſingle places	4305	48° 12′ 32″ N. L.	(*Nicolai, and Political Journal*, 1783.)	
		Provincial Courts	242			
		Caſtles, and Seats of the Nobility - -	606		(1784)	
		Pariſhes - -	665		5378	254,230
		Local Chaplaincies -	147		(including the military and ſtrangers. —*De Luca.*)	
		Convents before the reduction -	244	Vienna Neuſtadt	500	5,000
		—— after the reduction in 1783 - -	111			
		Of 38 Convents in Vienna, there remained (*De Luca.*)	26	Crems	——	——
		Proteſtants at Vienna (1784) - -	4000	Kloſter Neuburg	385	——
2. The country beyond the Ens, or Upper Auſtria	230	Deaths annually 1 in 20. (*Nicolai's Travels.*)		Baden		
		Cities - -	14			
		Market Towns -	88	Linz	——	15,200
		Villages and ſingle places	6177	48° 49′	(1783) *Nicolai.*	
		Houſes - -	64,412			
		Pariſhes and Benefices	297			
		Hoſpitals and Orphan-houſes - -	126	Wels		
		Convents (1783) -	40			
		Clergy - -	2000	Ens		
		Among whom are 1400 Monks				
		Proteſt. Churches (1783)	8	Steyr	365	1708
		—— Proteſtants born (1783) - -	279			
		—— Communicants (*Waldau.*)	12,908			
The country called the Inn-Viertel, or the part taken from Bavaria	38	116,000		3028		
		Cities - -	2	Braunau.		
		Market Towns -	7			
		Caſtles - -	68			
		Noblemen's Seats -	41	Ried		
		Villages and ſingle places	2224			
		Pariſhes - -	36			
		Cloiſter Diſtricts -	12			
		Capuchin Convents	3			
		Clergy - -	333			
		Peaſants - -	7672			
		Houſes - -	20,032			
		(*De Luca.*)				
		Jews in Lower Auſtria	570			

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
II. INNER AUSTRIA.	951	1,585,000		1732		
		Births in 1784 -	52,961			
1. Dutchy of Stiria	441	760,000		1723		
		Cities - -	20	*Principal Cities.*		
		Market Towns -	97			
		Villages, &c. - -	3,500	Grätz	2,150	35,000
		Settlements in general	13,500	47° 4′ 18″		(*Kindermann.*)
		Churches and Chapels	1,400			
		Noblemen's Eſtates -	290			
		Eccleſiaſtical Eſtates	300	Judenburg		
		Convents before the reduction - -	69	Eiſenerz		
		Places of Pilgrimage	30			
		Clergy - - -	2,000			
		Pariſhes - - -	156			
		Local Chaplaincies	145			
		Parochial Chaplaincies - - -	98			
		(*Kindermann*, 1780.)				
2. Carinthia	190	290,000		1526		
		Cities (1777) - -	11	Clagenfurth	—	7,000
		Market Towns - -	25			
		Villages, &c. - -	28,000	Villach	—	—
		Houſes - - -	49,000			
		Convents - -	20	S. Veit	—	—
		Clergy - -	1,010			
		Nobles - - -	386	Gurk	—	—
		Burghers and Tradesmen - -	4,753			
		Peaſants - -	27,013			
		Herds of Oxen -	45,385			
		(*Schlözer.*)				
		Proteſtants (1784) with Upper Stiria (*Waldau.*)	17,000			
3. Carniola	214	400,000		1869		
		Cities - - -	21	Laybach	755	9,500
		Market Towns -	35			
		Caſtles - -	200			
		Villages, and other Settlements -	4,000			
		Convents - -	38			
		Pariſhes - - -	134			
		Houſes inhabited -	66,200			
		Houſes uninhabited	6,275			
		Families (1778) -	75,788			
		Clergy - - -	1,504			
		Nobles - -	401			
		Burghers and Tradesmen - -	2,069			
		Peaſants - - -	48,600			
		(*Schlözer* compared with *Hermann.*)				

TYROL, ANTERIOR AUSTRIA.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities. Houſes.*	*Inhabit.*
4. Auſtrian Friaul	60	115,000 (*Hermann*, p 49.)	1917 *Principal Cities.*		
		Jews - - - 400	Görz		9,000
			Gradiſka	——	——
			Idria	300	1,500
5. Territories of Trieſt	9	21,000 (*Ibid.*)	2333 *Capital included.*		
			Trieſt 45° 40′ 15″	——	14,000
			Fiume	——	6,000
			Aquileja	——	2,815
III. UPPER AUSTRIA.	481	625,000	1299		
Princely County of Tyrol - -	426	560,000 (*De Luca St. Anz.* 8.)	1314		
with the Seigniories before the *Arlberg* - -	55	65,000 (*Polit. Journal*, 1782, No. 5.)	1181		
		Cities - - - 17			
		Market Towns - 11			
		Villages - - 894	Inſpruck	574 (without the Garriſon.)	8,100
		Seigniories - - 142			
		Caſtles - - - 355			
		Churches - - 1240	Hall	——	4,160
		Pariſhes - - - 207 (*Buſching.*)	Bolzen	——	7,000
		Convents - - 91			
		—— reduced (1782) 10	Roveredo	——	6,000
		Jews in Tyrol and Anterior Auſtria - 1530	Bregenz	300	
			Trient	——	8,000
			Brixen	——	3,800
IV. ANTERIOR AUSTRIA Without the Seigniories before the *Arlberg*.	112	287,000	2562		
The Breiſgau - -	54	150,000 - -	2778		
Auſtrian Territories in Swabia - -	46	117,000 - -	2543		
Hohenembs - -	3½	3,700 - -	1057		
Falkenſtein - -	2½	4,000 - - -	1600		
Langenargen and Tettnang - - -	6	12,800 - -	2133		
		Religious Foundations - 109	Freyburg	——	6,400
		Prelacies - - 8			
		Abbies for Ladies - 6			
		Monaſteries - - 59			
		Nunneries - - 47			
		—— reduced in 1782 23	Conſtance	800	6,600

BOHEMIA, MORAVIA, SILESIA.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
V. Kingdom of BOHEMIA	961	2,266,000	2,358		
		Cities - - - 244	*Principal Cities.*		
		Market Towns - - 303			
		Villages - - 11,284	Prague, 50° 5′	3674	80,000
		Burghers Houses - 29,175			
		Proprietors of taxable Lands - - 53,769	Königsgrätz	—	—
		which annually pay taxes to the amount of 3,501,300 Fl.	Eger	—	—
			Leutmeritz	—	—
		Villagers - - 31,944			
		Men employed in the inland navigation 39,156	Töplitz	—	2,000
		Jews - - - 36,000 (*Busching.*)	Elnbogen	241	—
		Convents (1785) reduced - - 61	Carlsbad	381	—
		1105 persons.	Joachimsthal	617	—
		Remained in 1785 - 60			
		Preachers of the Swiss Confession - - 31	Schlackenwald	456	—
		Adherents to that Persuasion - - 25,110	Asch	420	—
		Lutheran Preachers & Churches - - 11			
		Adherents to that Persuasion (1784) - 9,050 (*Schaller, Hist. Portef.* 1785.)			
VI. Margraviate of MORAVIA - -	396	1,137,000 (*Hermann*, p. 227.)	2,871		
		Cities - - - 99	Olmütz	—	11,000
		Market Towns - - 159			
		Villages - - 2,478			
		Houses - - 87,271 (*Busching.*)	Brünn	1236	13,000
		Monasteries, 74 suppressed - - 12	Znaim	819	6,000
		Nunneries, 9 suppressed - - - 7			
		Parochial and Monastic Clergy - - 3,653 (1782, *De Luca.*)			
		Jews - - - 24,000			
VII. Austrian SILESIA.	81	200,000	2,469		
		Middle Calculation, according to *Hermann*, 247,000			
		Cities - - 24	Troppau	—	8,000
		Places in general - 500 (*Busching.*)			
		Protestant Meetings - 8	Teschen	232	—
		Parochial and Monastic Clergy - - 222 (1782, *De Luca.*)			
		Jews - - - 800			

NETHERLANDS.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
VIII. AUSTRIAN NETHERLANDS -	469 *Herm.*	1,880,000 (Middle Calculation)	4,008		
		According to *Hermann* 2,000,000			
		Later Calculation 1,900,000			
		Buſching, or *Felbiger* 1,600,000			
		Convents in 1783 365			
1. Part of the Dutchy of Brabant, with Antwerp & Mechlin	116	560,000	4,828		
		Walled Cities - - 19	*Principal Cities.*		
		Many more Market Towns	Bruſſels, 50° 51′	——	80,000
		Villages, more than - 500	Louvaine	——	40,000
		(*Buſching*)	Antwerp	——	40,000
			Mechlin	——	20,000
2. Part of the County of Flanders - -	115	570,000	4,956		
		Cities in the whole	Ghent	——	40,000
		County - - 62	Bruges	——	18,000
		Villages - - - 1,164	Tournay	——	16,000
		Seigniories - - 250	Oſtend	——	12,000
		(*Buſching*)			
3. Part of the County of Hainalt - -	42	200,000	4,762		
		Cities in the whole			
		County - - 24	Mons	1,500	10,000
		Villages - - 600			
		Auſtrian Monaſteries - 16			
		—— Nunneries - 10			
		Chapters - - - 12			
		(*Buſching*)			
4. Part of the County of Namur - -	20	94,000	4,700		
		Cities in the whole			
		County - - 5	Namur	——	20,000
		Villages - - - 158			
		(*Buſching*)			
5. Part of the Dutchy of Luxemburg -	158	380,000	2,405		
		Cities in the whole			
		Dutchy - - 24	Luxemburg	——	8,000
		Villages - - 1,170			
		(*Buſching*)			
6. Part of the Dutchy of Limburg - -	10	48,000	4,800		
		Cities - - - 3	Limburg		
		Market Towns - - 2	Eupen	——	9,000
		Places in general, about 50			
7. Part of the Dutchy of Guelderland -	8	28,000	3,500		
		With the above, compare *Crome's* Statiſtic Geographical Deſcription of the Auſtrian Netherlands, 1785, § 4.	Roermond	——	8,000

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
IX.					
LOMBARDY	192	1,324,160	6,896		
	Buſch.	Monaſteries (1780) - 270			
	ſays	Nunneries - - 197			
	210				
Dutchy of Milan	152	1,116,850	7,347		
		(*De Luca*, 1774)	*Principal Cities.*		
		Births (1774) - - 44,986	Milan, 45° 28′ 10″	——	132,360
		Deaths - - - 46,134	Pavia	——	27,600
		Clergy - - - 20,171	Cremona	——	25,300
		Monaſteries reduced in	Lodi	——	15,670
		1770 and 1780 - 66	Corno	——	13,620
		Nunneries (1783) - 45	Caſal. Maggiore	——	4,839
Dutchy of Mantua	40	207,300	5,182		
		(*De Luca*, 1779)			
		Births - - - 9,707	Mantua	City -	23,570
		Deaths - - - 9,692		Suburbs	8,475
		Parochial Clergy (1780) 1,612		(1779)	
		Monks - - 786			
		Nuns - - - 889			
		Eccleſiaſtics in general 3,287			
		Jews - - - 2,660			
X.					
Kingdom of HUNGARY - -	3,721	3,170,000	852		
between 44 & 50° N. L.		Cities (in 43 miles only one) - - 65	Ofen	(1780)	21,000
		Market Towns - 376	Preſburg	——	27,000
		Villages - - 8,550	Thereſienſtadt	——	15,000
		Catholic Pariſhes - 1,991	Oedenburg	——	11,000
		Not united - - 1,274	Peſth	——	13,500
		Reformed or Calviniſtical - - - 1,015	Zambor	——	11,000
			Debreczin	——	25,000
		Lutheran - - 180	Schemnitz	——	8,000
		Convents in 1780 - 156	Kaſchau	——	5,800
		New Lutheran Churches allowed by the edict of toleration, of which 20 are not finiſhed - - 200	Tyrnau	——	7,300
			48° 23′ 30″		
			Gran	——	4,950
			Komorn	——	5,000
			Neuſohl	——	4,990
				(*v. Windiſch*)	
		Gipſies - - - 50,000			
Bannate of Temeſwar	443	450,000	1,015		
		Cities - - - 1			
		Market Towns - 4	Temeſwar, or		
		Villages - - 461	Temeſia	——	7,000
		Prædialiſts, or Proprietors of Eccleſiaſtical Eſtates - - 41			
XI.					
ILLYRICUM - -	808	620,000	767		
		(*Hermann*)			
Dalmatia and Croatia	477	367,000	770		
			Waraſdin	——	——
			Zagrab	——	——
			Carlſtadt	——	——
Sclavonia - -	331	253,000	764		
		Convents in Illyricum	Eſſek	——	——
		(1780) - - 43	Peterwardein	——	——
			Semlin	——	——

TRANSYLVANIA, BUKOWINA, GALLICIA.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
XII. TRANSYLVANIA.	1,050	1,250,000	1,189		
		Settlements - - 2351	*Principal Cities.*		
		Rom. Catholics (1766) 91,235			
		Calviniſts - - 140,000	Hermanſtadt	——	15,900
		Lutherans - - 130,000			
		Arians and Socinians 80,000 (*Buſching*)	Kronſtadt	——	20,000
		United Walachians 120,000			
		Not united - - 700,000 (*Hiſt. Portef.* 1784)			
		Convents - - 34			
XIII. Province of BUKOWINA - - -	178	130,000	731		
		Cities - - 5	Czernowitz		
		Villages - - 255			
		Convents - - - 28			
		Scattered Houſes - 51	Suczova	300	——
		Settlements - - 230			
		Hermitages - - 26			
		Nobles - - 127			
		Popen or Prieſts - 382			
		Merchants - - 113			
		Peaſants Families - 23,385			
		Jewiſh Families - 1,106			
		Gipſies - - 1,647			
		Total number in Hungary, Illyricum, Tranſylvania, and Bukowina, 5,757 — 5,17,000 —898.			
XIV. Kingdoms of GALLICIA and LODOMIRIA - - -	1,280	2,800,000	2,187		
		Cities - - 199	Lemberg	——	20,364 (1779)
		Market Towns - 111			
		Villages - - 5,575			
		Houſes - - - 408,442 (*Schlözer*)	Brody	——	15,000
		Jews (1780) - - 151,302			
		Clergy - - - 4,292			
		Monks - - 2,722			
		Nuns - - 678			
		Nobles - - 29,911			
		Burghers - - 105,414			
		Peaſants and Villagers 446,703			
		So that every 18th man is a Jew, the 93d a Nobleman, the 156th a Burgher, the 322d a Clergyman.			
		Catholic Churches - 1,066			
		Greek - - - 2,955			
		Synagogues - - 294			
		Monaſteries - - 188			
		Nunneries - - 28			
		Pariſhes - - 2,410			
		Horſes - - - 286,965			
		Oxen - - - 305,016 (*Buſching's Weekly Journ.* 1785)			
		Jews, according to a calculation in 1785 157,000			

DOMINIONS

OF THE

KING OF PRUSSIA,

OR

ELECTORAL HOUSE OF BRANDENBURG.

Countries.	*Square Miles.*	*Population, &c.*	*Rate per Mile.*
PRUSSIAN DOMINIONS.	3,600 60,000 Eng.	6,000,000 (Civil and Military included. *Hertzberg.*)	1667 104 Eng.
1. *Independent Hereditary Dominions.*		Probable Proportion.	
Kingdom of Prussia - -	1384	1,500,000	1084
Dutchy of Silesia and County of Glatz - -	640	1,582,000	2472
Principality of Neufchatel and Valengin - -	15	40,000	2700
	2039	3,122,500	
2. *Hereditary Dominions in Germany.*			
The Mark Brandenburg -	664	1,057,000	1592
Dutchy of Pomerania -	507	465,000	928
Dutchy of Magdeburg -	104	280,000	2692
Principality of Halberstadt -	42	132,000	3142
Territories in Westphalia -	244	590,000	2418
	1561	2,524,000	
Total	3600	5,646,500 (1784)	
		5,735,000 (1785)	
		6,000,000 (*Acad. Disc.*)	
Births (in 1784) 211,113 (1785) 210,732			
Deaths - - 152,040 - - 157,606			
Marriages - 43,436 - - 43,439			
Increase of Births, without the Military - - 59,162 - - 53,126			
Increase of Births, exclusive of the Military			
Ann. 1774 - - 50,136			
1775 - - 36,087			
1776 - - 28,679			
1777 - - 28,837			
1778 - - 23,708			
1779 - - 37,567			
1780 - - 72,473			
1781 - - 30,367			
1782 - - 34,302			
1783 - - 45,436			
1784 - - 59,162			
1785 - - 53,126			
Increase of Births in the last 12 Years - - 498,883			
(*Busching's Weekly Journal.*)			
Increase of Population.			
Number of Inhabitants, Civil and Military, in 1740 - - 2,240,000			
Increase of Population in the original Provinces in 1784 $\frac{11}{14}$ of the whole Nation. 1,760,000			
Acquisitions of Silesia, East Friesland, and West Prussia 2,000,000			
Computed in the Academical Discourses - - 6,000,000			
Cities - - - 570			
New Villages, and other Settlements since 1740, 800, which may contain 45,000 Families, or 255,000 Souls.			

State of Finances.

National Revenue.

More than 22,000,000 rix-dollars, or 34,000,000 florins, about 3,850,000 l. sterling.

Some politicians estimate the present revenues higher.

The Provinces are supposed to contribute in the following proportion:

The Mark Brandenburg	6½ mil.
Prussia - -	4½ —
Pomerania -	2 —
Magdeburg & Halberstadt	2
Westphalia -	2
Silesia - -	6

A new branch of the revenue consists in the production of the mines, in the provinces in general, which is estimated at more than 5 millions of dollars, and employ 88,024 families. The public Treasury receives at present 779,000 dollars annually, and particular funds 493,000 rix-dollars. (*Mémoire sur les Produits du Règne Minéral de la Monarchie Prussienne.* 1786.)

Prussia has no national debt; but the late King increased his paternal treasure, besides expending more than 2,000,000 annually in national improvements, to a prodigious sum.

In the year $17\frac{84}{85}$ the extraordinary expences amounted to 2,236,156 rix-dollars.

In $17\frac{85}{86}$ to 2,901,756 rix-dol. besides a variety of expences unknown.

The sums expended in rewards, prizes, and acts of benevolence, from 1783 to 1784.

	Rix-dol.
In the Electoral Mark	2,674,000
The New Mark -	3,002,000
Pomerania - -	4,828,000
Silesia -	6,200,000
West Prussia, since the acquisition of it -	3,000,000

Military Establishment.

224,431 Men.

In 1783.

	Infantry.	Cavalry.
In the Mark - -	46,488	4187
Prussia - -	33,947	12,229
Pomerania - -	12,670	8430
Magdeburg - -	16,907	3795
Westphalia - -	13,990	—
Silesia - -	40,168	13,860
	181,950	42,501

In 1785, 192,377 effective Men.

Viz.	Artillery - -	11,582	—
	Pontoneers - -	29	—
	In the Mark - -	39,184	4930
	Prussia - -	29,424	11,370
	Pomerania - -	10,582	7669
	Magdeburg - -	14,797	3436
	Westphalia - -	11,909	—
	Silesia - -	35,322	12,143
		152,829	39,548

(*State of the Prussian Army*, 1785.—*Breslau*, 1786. p. 37.)

Division according to the above.

Infantry.

Grenadiers	7 Battalions, each 4 Comp.	
	2 - - 5 Comp.	
	25 Battalions in case of War.	
	2 single Comp. in the Life Guards.	
Musqueteers	66 Battalions, with 330 Comp. forming	1 Reg. with 3 Bat. 31 — — 2 — 1 — — 1 —
Fusileers	42 — 210 Comp.	21 — — 2 —
Chasseurs	1 — 6 Comp.	
Field Artill.	8 — 43 Comp.	1 Reg. with 13 Comp. 3 — — 10 —
Garrison Artill.	1 — and 6 single Comp.	
Garrison Reg.	36 — 160 Comp.	8 Reg. with 4 Bat. 4 single Bat.
Miners	— — 3 Comp.	
Pontoneers	— — 1 Comp.	
Cadets	— — 5 Comp.	
Militia	— — 24 Comp.	2 Reg. with 7 Comp. 2 — — 5 —

Cavalry.

Cuirassiers	63 Squadrons	—	13 Regiments
Dragoons	70 —	—	12
Hussars	90 —	—	9
Bosniacks	10 —	—	1
	233 Squadrons	or	35 Regiments

Besides the Corps of FELD JAGERS, or Horse Chasseurs.

Prussia.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
I.					
Kingdom of Prussia. 52½ and 56½ N. Lat.	1384	1,500,000 including the Military, Children, &c. 1,410,000 without the Mil.	1084		
1. East Prussia,	753	940,000	1248		
Produces corn, timber, hemp, flax, and various Minerals.		855,000, without the Military.	1175		
The inhabitants export vast quantities of pine-trees for masts, deal boards, tar, wood-ash and pot-ash, elk-skins, leather, furs, amber, wax, linseed-oil, yarn, hogs bristles, stags horns, and elks hoofs, dried fish, tallow, &c.		Cities - - 69 Royal Domains - 124 Royal Buildings - 287 Villages - - 7260 of which 830 belong to the Nobility. Hearths in the Country - - 92,000 Lutheran Churches - 397 including the Seigniories Tauroggen and Serrei in Lithuania. Births in 1784, without the Military - 37,174 Deaths - - 22,131 Marriages - - 7240 More births than deaths 15,043 (*Hertzberg.* 1785.)	*Principal Cities.*	(1783)	
			Königsberg	4310	54,000 (with the Garrison 62,600)
			54° 43′ N. Lat.		
			Pillau	115 (*without*)	1320
			Wehlau	275	2730
			Pruss. Eylau	190	1500
			Bartenstein	310	2780
			Rastenburg	312	2150
			Braunsberg	625	5285
			Wormdit	350	2160
			Rössel	390	2450
			Heilsberg	400	2350
			Pruss. Holland	375	3110
			Soldau	265	2000
			Tilsit	600	8060
			Gumbinnen	274	4870
			Insterburg	428	4950
			Goldap	328	3020
			Stallupöhnen	162	2565
			Memel	525	5765
			Angerburg	238	2545
2. West Prussia, and District of Netz,	631	560,000 with the Military. 525,000 without. In 1775, 416,296.	887		
Produce nearly the same articles.			832	(1782)	
			Suburbs of Danzig	——	10,500
			Elbing	1800	14,400 (with the Garrison 15,768
		Cities and Market Towns, without Netz - 44			
		Villages in the Domains of the King and Towns 76	Marienburg	——(1783)	5400
		Villages belonging to Nobility - - 1311	Marienwerder	400	3250
		Villages in the Bailiwicks 4300	Dirschau	—	1450
		New Colonies - 50	Graudenz	—	5200
		Bailiwicks - - 55	Mewe	—	1380
		Hearths in the Country 56,000	Culm	—	3050
		Protestant Churches - 68	Christburg	—	1602
		(*Bock's Natural History of Prussia,* Vol. I. p. 7.)	Strasburg	—	1850
			Riesenburg	—	1950
		In West Prussia and Netz.	Coniz	—	2050
		Communicating Catholics - - 271,000	Stargard	—	1700
		— Protestants - 78,648	Schwetz	—	1750
		— Menonites - 5025			
		— Calvinists - 358			
		(*Busching's Weekly Journal.*)			
		Births in 1784 - 27,134			
		Deaths - - 15,669			
		Marriages - - 5410			
		More births than deaths 11,465			

District of Netz, Pomerania.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
District of Netz.	170	160,000	941		
			Principal Cities.		
		Cities and Market Towns 47	Bromberg	—	2600
		Protestant Churches 20	Fordon	—	1150
			Deutsch Crone	—	1450
			Flatow	—	1600
			MärkschFriedland	—	1320
			Filehn	—	1500
			Jastrow	—	2020
			Schneidemühl	—	1600
			Schönlanke	—	2050
			Zempelburg	—	1650
			Chodzesen	—	1850
			Czarnikow	—	1450
			Inowraclow	—	1770
			Margonin	—	1450
II. Dutchy of Pomerania.	507	465,000 (1784)	928		(*Bock compared with Golbeck*) (Civil 1784)
The soil in some parts sandy, but in most pretty good. The inhabitants export wheat, rye, barley, and oats. The lakes and rivers abound in fish.		Without the Military 428,451	Stettin 53° 22′ 10″	1608	15,485
		Cities - - 39	Garz	352	2000
		Market Towns - 16	Damm	223	1660
		Villages - - 2238	Anklam	562	3185
		Buildings for the purpose of agriculture - 2454	Pasewalk	507	3006
		New Settlements since the year 1740, above 100	Gollnow	383	2090
		Churches - - - 1031	Demmin	345	2335
		Hearths in the Country 65,917	Wollin	236	1980
		——— in the Towns 16,000	Schwinemünde	287	1940
		Nobility - - 603	Stargard	1033	5910
		Clergy - - 592	Pyritz	412	2135
		Colonists, from 1740 to 1775 - - 15,620	Belgard	342	1670
		Jews - - 1170	Greffenberg	343	1905
		(*Brüggemann & Busching*)	Greifenhagen	450	2800
The manufactures and fabricks are very considerable, particularly at Stettin. So long ago as 1756, no less than 1671 vessels carried in goods in the course of the year to all parts of Europe, besides 97 which went away in ballast.			Treptow on the Rega	536	2880
			Colberg	809	4090
			Camin	322	1840
		Births (1784) - 15,635	Rügenwalde	455	2290
		Deaths - - 12,110	Cöslin	541	3000
		Marriages - - 3089	Stolpe	558	4020
		More Births than Deaths 3525	Lauenburg	207	1345
				(*Brüggemann*)	
The principal goods exported are, antimony, lapis calaminaris, glass, timber for building, boards, masts, planks, ship timber, pipe staves, pot-ash, madder, soap, and tobacco.		Births (1785) - 14,857			
		Deaths - - 10,250			
		Marriages - - 3107			
		More Births than Deaths 4607			

Mark Brandenburg.

Countries.	Square Miles.	Population.	Rate per Mile.	Cities. Houses.	Inhabit.
III. The Mark Brandenburg.	664	1,057,000 including Military, &c. 1784.	1592		
1. The Electoral Mark.	444	795,000 In the year 1617, 329,660 ——— 1740, 475,991 ——— 1781, 663,282	1790		
The manufactures are numerous and extensive, particularly those of linen, woollen, cotton, silk, and leather.		Cities, 84. Market Towns, 19. Bailiwicks, 63. New Establishments since 1740, upwards of 220. Royal Farms 172 Noble ditto (1774) 708 Royal Villages (1774) 655 Noble ditto 1262. Domains 53 Ancient Villages in general 2027 Hides of Land liable to Taxes - - 44,749 ——— of the Nobility 8421 Hearths in the Towns 26,000 ——— in the Country 68,000 Lutheran Churches in 1971 Villages, 1662, with 858 Clergy German Calvinistical Churches in the Mark - 80 (*Busching's Geography.*) Births (1784. Civil) 22,755 Deaths - - 18,349 Marriages - - 5020 More Births than Deaths 4406			
Division. c) Middle Mark.	250	520,000 with the Military.	2080	(1783)	
The principal manufacture of Berlin is porcelain.		Cities - - 48 Hides of Land taxable 24,901 Estates in the possession of Counts - - 14 Free Barons - 6 Nobles - - 122 Burghers - - 38 Besides the possessions of the Royal Princes, the Chapter, the Order of St. John, the Church, and Towns. (*Busching.*) Consumption of Grain in Berlin in the Year. Bush. June 1, till May 31. 1770-1771, 38,257 1780-1781, 48,805 1784-1785, 46,032	*Principal Cities.* Berlin 52° 31′ 30″ Charlottenburg Potsdam Spandau Nauen Brandenburg Rathenau Treuenbrizen Luckenwalde Ruppin Wusterhausen Reinsberg Cremmen Strausberg Wriezen Bernau N. Eberswalde Freyenwalde Frankfurth Fürstenwalde Beeskow	6500 Garrison 111,136 34,000 145,136 310 (Civil) 1950 2000 20,000 with Gar. 28,500 525 3800 with Gar. 6000 440 2250 1455 9200 with Gar. 11490 600 4000 545 2500 300 2800 740 4100 295 1760 190 1500 255 1600 250 1970 430 3260 312 1530 300 3450 225 1950 1320 10,000 380 2400 360 1950
h) Uker Mark.	63	95,000	1399		
		Towns - - 13 Hides of Land that are taxable - - 6579	Prenzlow Schwedt Templin Angermünde Strasburg Zehdenick	885 6300 580 2900 325 2000 295 1950 440 2350 110 2060	

Mark Brandenburg, Dutchy of Magdeburg.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
c) The Old Mark.	65	105,000	1615		
		Cities - - 13	*Principal Cities.*		
		Hides of Land that pay Taxes - - 8058	Stendal	1015	4350
			Salzwedel	912	4150
			Gardeleben	521	2300
			Seehausen	265	1480
			Tangermünde	566	2700
d) Priegnitz.	61	75,000	1230		
		Cities - - - 10	Perleberg	380	2350
		Hides of Land that pay Taxes - - 5211	Wittstock	550	3050
			Kyritz	360	1960
			Havelberg	245	1900
			Lenzen	235	1930
				(*Busching*)	
2. The New Mark.	220	262,000	1190	(1783. Civil)	
		including the Military.	Cüstrin	440	4400
		Cities - - 39	Landsberg	600	6000
		Hearths in the Towns 11,000	Königsberg	425	2600
		Villages - - 575	Crossen	550	3500
		New Establishments since 1740, upwards of - 150	Züllichau	775	4630
			Cottbus	500	5800
		Bailiwicks 19. Villages annexed - - 221		(with the Houses adjoining the Bailiwick House 800	
		Appendages to the Bailiwicks 91			
		Villages on the Domains 68			
		Annexed Buildings - 34			
		Private Estates - 513			
		Hides of Land taxable 16,738			
		Value of the Estates - 8,455,314 Dol.			
		Births (1784) without the Military - - 8836			
		Deaths - - - 6235			
		Marriages - - 1869			
		More Births than Deaths 2601			
IV. Dutchy of Magdeburg.	104	280,000	2692		
		with the Military, Women, and Children.	Magdeburg 52° 13′ 54″	3515 with Gar.	26,300 36,000
The principal manufactures are cloth, stuffs, stockings, linen, oil-skins, leather, parchment, and more particularly starch, which, with the fine flour and all sorts of grain, are exported in large quantities by means of the river Elbe.		In the Towns, without the Military - 90,840	Burg	1075	5050
		In the Country - 158,760	Calbe	551	3350
		Jews 83. Settlements 883	Schönebeck	465	4300
		Cities 29. Market-Towns 7	Gr. Salze	220	1370
		Royal Villages in 35 Bailiwicks - - 364	Wanzleben	268	1430
			Neu Haldensleben	460	2510
		Possessors of noble Estates 103	Seehausen	256	1300
		New Establishments with Halberstadt - 20	Aken	442	2020
			Stasfurth	160	1420
		Births (1784) Civil 8874	Egeln	195	1350
		Deaths - - 7054	Lohburg	320	1380
		Marriages - - 1902	Sandau	286	1400
		More Births than Deaths 1820	Ziesar	263	1620
Division.		48,000	Genthin	185	1030
Circle of the Saal.	12	26,000	3250		
County of Mansfeld.	8		Halle 51° 34′	2214	20,000
Halle is one of the most celebrated Universities in Germany, and very much frequented. The salt works there, are extensive, and very productive.			Wettin	266	2250
			Löbejün	257	1350
			Cönnern	353	1500
			Mansfeld	202	1080
			Gerbstedt	261	1265

HALBERSTADT, WESTPHALIA.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
V.					
Principality of HALBERSTADT,	42	130,000	3142		
and part of the County of Hohenstein.	672 Eng.	Military, &c. included. Reckoned in 1783, Civil, 126,000	196 Eng.		
Lutheran Religion.			3000		
		Cities - - 13	*Principal Cities.*		
Produces corn and flax in abundance.		Villages - - 250	Halberstadt	1802	11,200
		Hearths in the Towns 9550			
		Catholic Convents - 11	Aschersleben	1085	6500
		Places in Hohenstein - 71			
		Births in 1784, without the Military, in the Country of Halberstadt 2878	Oschersleben	460	2300
			Gröningen	342	2000
		Deaths - - 2328			
		Marriages - - 626	Osterwick	440	3000
		More Births than Deaths 550			
		Births in Hohenstein - 748	Hornburg	446	1850
		Deaths - - 516			
		Marriages - - 162	Dornburg	355	1950
		More Births than Deaths 232			
		Births in the District belonging to the Abbey of Quedlinburg - 349	Croppenstedt	335	1450
			—		
			Ellrich	438	2150
		Deaths - - 378			
In the County of Hohenstein in particular - -		Marriages - - 70	Wernigerode	711	6500
		24,000	—		
			Quedlinburg	1561	11,500
VI.					
Territories in the Circle of WESTPHALIA.	244	590,000	2418		
1. Principality of Minden, and County of Ravensberg -		with the Military, &c. without the Military 565,000	2315		
	51	130,000	2549		
N.B. In 1783 it was computed, that in the Principality of Minden, an area of 24 sq. miles, there were 57,117 inhabitants, without the Military; 2380 inhabitants therefore on each square mile.		Cities - - 6			
		Market Towns - 8	Minden	1050	5178
		Villages - - 255			
		Royal Bailiwicks - 15	Lübbecke	252	1125
		Noble Estates - 84			
		In Minden alone - 40	Petershagen	261	1095
		Births in 1784 (Civil) 5340			
		Deaths - - 4754	Bielefeld	707	2900
		Marriages - - 1198			
		More Births than Deaths 586	Herrford	787	2667
In the County of Ravensberg, 18 sq. miles, 71,360 inhabitants; 3964 on each square mile.			Vlotho	240	1365
Produce, linen, large quantities of which are exported by the way of Bremen to Holland.					
2. Counties of Tecklenburg - -	5				
and Lingen -	8	45,000	3461		
		Cities - - 4			
		Market Towns - 2	Tecklenburg	145	750
		Births - - 1283			
		Deaths - - 1171	Lingen	295	1800
		Marriages - 388			
		More Births than Deaths 112			

WESTPHALIA, Principalities of NEUFCHATEL and VALENGIN.

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
3. Principality of East Friesland	54	About 103,000		1,907		
		Cities	4			
		Market Towns	7	*Principal Cities.*		
		Hearths in the Cities	5,070			
		Bailiwicks	12	Embden	2250 (Civil)	7900
		Noble Estates	11	Aurich	250	2,000
		Jews	269	Leer	745	4,500
		Menonites	125	Norden	675	3,050
		Births in 1784	3,128			
		Deaths	3,188			
		Marriages	815			
4. Dutchy of Cleve	40	95,000		2,375		
		Cities	24	Cleve	910	5,300
		Noble Estates	93	Wesel	1,450	4,600
		Births (1784) in Cleve and Mark	7,802	Emmerich	1,060	3,700
		Deaths	6,284	Duisburg	680	2,900
		Marriages	1,875	Goch	460	2,200
		More Births than Deaths	1,518	Xanten	455	1,800
				Calcar	335	1,600
				Rees	465	1,800
5. County of the Mark	56	125,000 (1783)		2,232		
				Soest	1204 (1782)	5020
		Cities	24	Hamm	518	2,000
		Villages	456	Lippstadt	511	2,695
		Protestant Churches	102	Unna	494	2,100
		Calviniftical	46	Iserlohe	737	5,000
		Catholic	37	Altena	603	2,900
		Noble Estates	178			
		Hearths	26,000			
6. Principality of Moeurs	6	17,000		2,833		
		Cities	2	Moeurs	155	1,500
		Births (1784)	722	Crefeld	795	5,800
		Deaths	631			
		Marriages	203			
		More Births than Deaths	91			
7. Dutchy of Guelderland	24	About 50,000 (1782)		2,083		
		Cities	3	Gelder	350 (1782)	2,033
		Villages	53			
		Noble Estates	16			
		Bailiwicks	18			
		Protestant Churches	2			
VII. Principality of NEUFCHATEL and VALENGIN	15	40,500 (1784)		2,700		
		Cities	3	Neufchatel	——	6,000
		Market Towns and Villages	113			
		Parishes	35			
		Houses	7,333			

Silesia and Glatz.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* Houses.	Inhabit.
VIII. The Dutchy of Silesia and County of Glatz	640	1,582,000 (Without the Military, according to *Schlef.* 1,481,000	2,472		
Produce flax in abundance. The linen manufactory is very flourishing; & large quantities of the Silesian linens are sent to Holland to be bleached in the Haarlem Meer, and from thence to England.		In the Cities 274,461 In the Country 1,206,471 In the year 1755 were 1,162,355 1774 1,372,784 (*Busching's Geog.*)	2,314		
			Principal Cities.		
			a) *District of Breslau.*		
			Breslau, 51° 6′ 30″	3,050	51,000 (Civil 1783—84)
		Protestants 800,000	Brieg	558	5,000
		Catholics 676,000	Frankenstein	534	3,250
		Calvinists & Hussites 6,000	Glatz	680	4,250
		Moravian Brethren 4,000	Habelschwerdt	325	2,350
		Pietists 3,000	Landshut	450	3,900
		Jews 11,000	Neustadt	419	3,350
Madderlikewise is cultivated with much success.		In Lower Silesia and Glatz, $\frac{5}{8}$ Protestants and $\frac{3}{8}$ Catholics.	Neiss	530	4,550
			Oels	434	3,175
		In Upper Silesia, the number of Catholics and Protestants are 18 to 1.	Ohlau	265	2,050
			Oppeln	323	2,780
			Pless	205	1,845
			Ratibor	405	2,860
The increase of trade, since the King of Prussia's conquest, is prodigious. (*Busching.*)		Cities, 53 immediate and 108 mediate 161	Reichenbach	390	2,870
		Market Towns 14	Schweidnitz	648	6,250
		Villages 5,300	Strehlen	370	2,105
		New Establishments since 1742 300	Striegau	310	1,720
		Royal Estates 250	b) *Department of Glogau.*		
		Princely —— 46	Bunzlau	360	2,850
		Noble —— 3,504	Beuthen	355	2,160
		Episcopal —— 163	Freystadt	470	2,640
		Cloister —— 672	Glogau	675	6,650
		Domains 248	Goldberg	670	5,000
		Cath. Parish Churches 678	Grüneberg	890	5,590
		Catholic Churches in general, more than 2,000	Hirschberg	885	6,050
		Abbeys 20	Jauer	540	3,520
		Convents 91	Liegnitz, 51° 13′	750	4,810
		Protestant Churches 605			
		Hearths in the Cities 39,000			
		Births in 1784 (Civil) 65,348			
		Deaths 48,458			
		Marriages 12,809			
		More Births than Marriages 16,890			
		Births in 1785 66,735			
		Deaths 49,867			
		Marriages 12,800			
		More Births than Marriages 16,868			
County of Glatz in particular	25	Cities 8	Luben	415	1,900
		Villages 217	Sagan	560	3,550
		among which are 5 Royal Cities and 15 Royal Villages	Schmiedeberg	545	3,150
			Schwibus	255	2,300
		Value of the Estates in Silesia 80,000,000 rix-dol.	Sprottau	250	2,050
			Steinau	260	1,810
		Produce, at a middle calculation 6,900,000 rix-dol.	Wohlau	200	1,050

PALATINE-BAVARIA,

ELECTORATE OF SAXONY,

AND

OTHER TERRITORIES.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
III. PALATINE BAVARIA - -	1,064 16,816 Eng.	2,000,000	1973		
1. Bavaria, with the Upper Palatinate, Neuburg, and Sulzbach - -	784	Cities - - 128 1,300,000 according to others, 1,400,000 Convents, Hoſpitals, and Alms-houſes - 178 Parochial Clergy, 3765 Monks and Nuns, 3560 7,325	1,658		
a) Dutchy of Bavaria Produces corn, cattle, wood, and ſalt. Its iron mines form an important object, and furniſh employment to numbers.	576	(1779) 990,000 Cities - - 34 Market Towns - 80 Villages and Hamlets 8,000 Taxable Farms - 39,949 Solitary Houſes - 12,000 Uninhabited Farm-Houſes - - 6,000 Hearths - - 180,000 Churches - - 3,050 Chapels - - 548 Pariſhes - - 908 Collegiate Foundations 12 Convents - - 142	1,719 *Principal Cities.* Munich, 48° 10′ Straubingen Landſhut Donawerth Burghauſen	1,700 37,840 (1780. *Weſtenrieder.* More accurate, according to *Nicolai*, 37,150.) —— 8,790 —— 5,700 —— 3,000 —— 3,500	
Seigniory of Minhelheim and Wieſenſteig in Swabia -	10	Cities - - 2	1,346		
b) Upper Palatinate and Landgraviate of Leuchtenberg -	130	175,000 (*Weſtenrieder.*) Cities - - 17 Market Towns - 40 Country Markets - 205 Villages - - 1,619 —— uninhabited - 606 Convents - - 18 Pariſh Churches - 117 Aſſiſtant Churches - 195 Pariſhes - - 150 Curates - - 128 Monaſtics - - 282 Nunneries - - 37 Burghers - - 5,353 *Landgraviate of Leuchtenberg.* Souls - - 7,300 Cities - - - 1 Market Towns - - 3 Villages - - 75	Amberg Auerbach Neumarkt	1,010 4,463 (1782) —— 1,340 —— 2,445	

Finances.

ANNUAL REVENUE.

10,000,000 Florins (£.1,031,250 ſterling).
Of which, Bavaria and the Upper Palatinate pay about 7,000,000.

DEBT
Of Bavaria and the Upper Palatinate (1778).

24,000,000 Fl.	old Debt.
10,000,000	undertaken to be paid by an article in the Peace of Teſchen.
1,500,000	Debt of the Court.

The Debts of longer ſtanding, which amount to near 100,000,000 Fl. are in the hands of the Provincial States, and in a ſtate of liquidation.

The *Expenditure* of Bavaria, from 1763 to 1772 inclusive, omitting ſome inconſiderable amounts, was computed at 35,287,597 Fl.
The nett *Income* only - - - - - - 31,104,289

Of courſe, the *Debt* increaſed in ten years - 4,183,307

The proportion of Taxes in Bavaria to thoſe in the Palatinate on the Rhine, is - - - - - - - 1 to 2
To thoſe in the Auſtrian Territories - - - 1 to $5\frac{1}{5}$! !

The receipt of the general Cheſt 4,418,673 Fl. (not quite certain)
Expenditure - - - 4,548,454

Expenditure more than the Revenue 129,781 Fl.

Military Eſtabliſhment.

24,000 Men.

The actual Eſtabliſhment of Bavaria at preſent is only

5,000 Infantry

1,500 Cavalry

200 Artillery,

though there are Staff-officers enough for 20,000.

A plan is on foot now, to increaſe the Military to 10,000 Infantry, & 3,000 Cavalry.

PALATINATE, JULIERS, and BERG.

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
c) Principality of Neuburg	52	92,000		1769		
		Cities	11	*Principal Cities.*		
		Churches	354			
		Pariſhes	90	Neuburg	——	5,300
		Hearths	17,233			
d) Principality of Sulzbach	26	43,000		1654		
		Cities	4	Sulzbach	——	3,000
		Lutheran Pariſhes	30	Weyden	——	3,000
		Catholic	15			
2. Lower, or Palatinate on the Rhine	150	400,000, Middle Calculation. (*Schlözer* reckons 500,000 before 1778.)				
Produces corn, wine, fruit, hemp, flax, & tobacco		Births (1782)	11,915	Manheim	1,548	22,000
		Deaths	8,689	49° 21′ 28″	(in January 1779, 24,179.)	
		Marriages	2,695			
		Cities	41	Heidelberg	800	10,550
		Market Towns	16	49° 20′		
		Villages	838	Frankenthal	——	3,590
		Farms	122	Kaiſerſlautern	——	3,000
		Churches	795	Kreutznach	——	3,800
		Hearths	56,570	Newſtadt	——	3,000
		Calviniſtical Clergy	500			
		—— Churches	427			
		Catholic Clergy	400			
		Lutheran Inhabitants	50,000			
		—— Pariſhes	85			
3. Dutchy of Juliers and Berg	130	398,600		3066		
		Births (Middle Calcul.)	15,712			
		Deaths	11,829			
		Marriages	3,794			
		Lutheran Inhabitants	85			
Dutchy of Juliers in particular	75	196,400		2618		
		Perſons without property	9,377	Juliers	671 (1780)	2,284
		Cities	9	Düren	549	3,435
		Hearths (1780)	40,442	Mönſtereifel	317	2,998
		Buildings	66,909			
		Churches	371			
Dutchy of Berg	65	202,160		3110		
		Births	8,182	Düſſeldorf	2225 (1780)	8002
The number of manufacturers in both countries are computed to be about 150,000, without reckoning the Margraviate of Bergen op Zoom, and the Seigniory of Ravenſtein, which are inconſiderable.		Deaths	6,375	Elberfeld	1,095	8,692
		Marriages	2,134	Solingen	——	8,000
		Perſons without property	6,694	Lennep	284	2,859
		Calviniſts	44,646	Rade vorm Walde	449	2,402
		Lutherans	36,807	Ronſdorf	324	2,323
		Catholics, Duſſeldorf Diſtrict	14,133	Kaiſerſwerth	304	1,022
		Jews	1,300	Ratingen	245	1,835
		Cities	9			
		Market Towns	8			
		Hearths	35,942			
		Buildings	51,471			
		Churches	202			
		Parochial Clergy	197			

Finances.

REVENUES

Of all the Territories in the Palatine-Electorate, more than 3,500,000 Rheniſh Florins.

a) Amount of the Taxes in the Lower Palatinate, about - - - 895,000

b) Amount of the Taxes in Juliers and Berg - - - 950,000

c) Amount of the Taxes in Sulzbach and Neuburg - - - 280,000

The *Domains* which conſtitute the greateſt part of the Palatinate, the Seigniories in the Netherlands, Tolls on the Rhine, Regalia, and many Monopolies, raiſe - - 1,500,000

Of which, the Margraviate of Bergen op Zoom raiſes about - 83,000
Ravenſtein - - 45,000

But the former is much in debt.

(*Buſching's Geography.*)

Military Eſtabliſhment.

In the Palatine Territories, the Military Eſtabliſhment is ſaid to be

12,000 Men.

The actual Eſtabliſhment, at preſent,

5,500 Men.

(*Militair. Bibliotb.*)

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities.* Houſes.	Inhabit.
IV.						
Electoral Dominions - -	736	1,870,000		2540		
The ſoil is excellent, and well cultivated. The principal products are corn, oil, wine, and fruits; alſo hemp, flax, tobacco, hops, ſaffron, &c. The foreſts furniſh ſufficient timber and wood, and the mines yield large quantities of iron, copper, ſilver, lead, &c. and the celebrated Saxon *cobalt*, whence the beautiful ſmalt blue is formed. The china manufactured at Dreſden, is a great article of commerce.	11,680 Eng.	Births in all the Countries		150		
		(1783) 70,648 (1784) 71,839				
		Deaths 56,7335 (1784) 51,921				
		More Births than Deaths, from 1764 to 1783	275,000			
		Annual increaſe, according to a middle calculation, for 19 years - -	17,153			
		The proportion about -	125⅓ to 100			
		Still-born Children	1 to 23			
		The dreadful Famine in 1772 and 1773 deſtroyed 65,844 ſouls; but in 1777, there was an increaſe of 17,245				
		Marriages in 1783 -	15,476			
		1784 -	14,859			
There are three univerſities, of which Leipſic is the principal. At the fair, 5000 volumes are publiſhed upon an average, annually, and diſperſed throughout Germany.		Cities in the whole country - -	251			
		Villages - -	5,185			
		(*Buſching.*)				
		With other Settlements	7,015			
		Clergy - -	33,350			
Electorate alone, without Luſatia -	556	1,470,000		2643		
The Electorate produces almoſt all the different ſpecies of precious ſtones; as diamonds, topazes, hyacinths, rubies, granates, amethyſts, ſapphires, and opals: different ſpecies of agates; as chalcedonies and cornelian, jaſper, &c.		Cities in the Electorate, without the incorporated Lands -	210			
		Market Towns -	61			
		Villages - -	3,157			
		Noblemen's Eſtates & Villages - -	1,591			
		Total number of Villages - -	4,748			
		Out-buildings - -	196			
		Pariſh Churches in the Towns - -	240			
		Pariſh Churches in the Villages - -	2,218			
		Births (mid. cal.) -	50,815			
		Deaths - -	41,361			
		Marriages - -	11,228			
1. The Electoral Circle - -	64½	116,491 (1755)		*Principal Cities.*		
		Cities - - -	24	Wittenberg	468	6,350
		Market Towns -	3			
		Villages - -	494			
		Noblemen's Seats -	164	Hertzberg	300	1,400
		Pariſhes - -	156			
		Bailiwicks - -	11	Belzig	190	900
		Births, upon an average, for the laſt 19 years - -	4,246			
		Deaths - -	3,237			
		Marriages - -	997			

Finances.		*Military Eſtabliſhment.*
REVENUE (1778). 6,800,000 Rix-dollars.		26,189 Men (1782). (*Pol. Journal*, 1782).
Land-tax	1,753,000	24,966 (actual Number in 1783), (According to the Author of *The Preſent State of the Saxon Army*.)
Taxes on Manufactures, &c.	1,187,000	
Articles of Conſumption, and Duties paid on Articles of Commerce	2,115,000	
Domains and Regalia	1,669,000	
Miſcellaneous Branches of Revenue	55,000	
Public Expenditure. 6,634,000.		viz.
For the Army and State	2,017,116	Cavalry 5112 Men, 8 Reg. or 32 Squad.
Salaries of the Officers of Juſtice and Finance	702,729	Infantry 17,138 Men, 13 Reg. or 26 Bat.
Other Penſions, &c.	349,749	
Appropriated to liquidate the Public Debt	1,910,899	Artillery 1680
Court Expences	679,823	
Appenages, or Sums appropriated to the Support of the Princes of the Houſe	414,016	SmallerCorps 1062
Extraordinary Expences	560,000	
Public Debt. (1774)		
Money borrowed on Taxes	25,000,000	
Due from the Chamber of Revenue	6,000,000	
Debts of the Court	6,000,000	
(*Buſching.*)	37,000,000	

In 1781, the public Debt was reckoned by ſome only at 26,000,000. 1,400,000 Dollars are liquidated annually; and a conſiderable Sum is reſerved for unforeſeen Expences.

Half of the Capital borrowed from foreign Countries was paid between the year 1763 and 1784, although the inland Debt was not reduced one third.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
2. Circle of Thuringia.	36	156,938	*Principal Cities.*		
		Cities - - 19	Weiſſenfels	——	5500
		Market Towns - 6	Sangerhauſen	700	4300
		Villages - - 494	Langelſalza	900	5300
		Noblemen's Seats - 154	Tennſtedt	500	3200
		Pariſhes - - 315			
		Amts, or Bailiwicks - 13			
		Births, upon an average 4382			
		Deaths - - 3604			
		100 Deaths to 120¾ Births.			
		Marriages - - 1184			
3. Miſnia.	68¼	289,318			
		Cities - - 39	Dreſden	2500	47-50,000
		Market Towns - 4	51° 2′ 54″		
		Villages - - 1223	Meiſſen	500	5000
		Noble Eſtates - 314	Torgau	——	4000
		Bailiwicks - - 17	Pirna	——	3000
		Births - - 11,497	Groſſen Hayn	——	4000
		Deaths - - 9055			
		100 Deaths to 125 Births.			
		Marriages - - 2710			
4. Leipſic.	46	206,438			
The city of Leipſic is one of the greateſt marts in Germany. The fairs at Eaſter, Michaelmas, and the New Year, are frequented by merchants of all nations. The Univerſity is celebrated, and much reſorted to.		Cities - - 32	Leipſic	1400	30,000
		Villages - - 1056	51° 19′ 14″		
		Immediate Vaſſals - 214	Grimma	410	3000
		Mediate Vaſſals - 150	Eulenburg	310	2500
		Bailiwicks - - 13	Wurzen	330	3000
		Births, upon an average 7378	Delitſch	——	3000
		Deaths - - 6389			
		100 Deaths to 116 Births.			
		Marriages - - 1808			
5. Erzgebirg.	84	303,117			
		Cities - - 54	Freyberg	1500	9000
		Market Towns - 10	Chemniz	860	8000
		Villages - - 761	Zwickau	600	5300
		Noble Eſtates - 263	Annaberg	490	3500
		Bailiwicks, including the County of Schönburg 15	Frankenberg	380	2000
		Births, 13,748. Deaths, 9981.	Joh. Georgenſtadt	570	3000
		100 Deaths to 135 Births.	Schneeberg	560	4700
		Marriages - - 2624			
6. Voigtland.	21	89,884			
		(includs the Circle of Neuſtadt)			
		Cities - - 15	Plauen	——	5000
		Villages - - 323	Oelſniz	320	2600
		Noble Eſtates - 155	Reichenbach	450	3800
		Bailiwicks - - 3			
		Births } without { 3299			
		Deaths } Neuſtadt { 2414			
		100 Deaths to 133⅓ Births.			
		Marriages - - 750			
7. Neuſtadt.	12¾				
		Cities - - 7	Neuſtadt		
		Market Towns - 2			
		Villages - - 229			
		Births - - 1188			
		Deaths - - 907			
		100 Deaths to 130 Births.			
		Marriages - - 306			

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities:* *Houses.*	*Inhabits*
ncorporated Provinces.					
. Bifhoprick of Merfeburg.	11½	65,433 including Naumburg and Zeiz.			
		Cities - - 7	*Principal Cities.*		
		Market Towns - 1	Merfeburg.	—	5700
		Villages - - 212			
		Noble Eftates - 78			
		Bailiwicks - - 4			
		Births - - 1525			
		Deaths in Merfeburg alone 1330			
		100 Deaths to 113½ Births.			
		Marriages - - 354			
.Naumburg and Zeiz.	10				
		Cities - - 5	Naumburg	—	7700
		Villages - - 140			
		Births - - 1188	Zeiz	—	6900
		Deaths - - 1010			
		100 Deaths to 116 Births.			
0. Principality of Querfurth.	—	Marriages - - 287			
		Cities - - 4	Querfurth	450	3000
		Births - - 488			
		Deaths - - 419			
		100 Deaths to 116 Births.			
1. Part of the County of Henneberg.	8¼	Marriages - - 122			
		20,000 (1782)			
		Cities - - 2	Suhla	—	—
		Villages - - 50			
		Other Places - 17	Schleufingen	—	—
		Births - - 748			
		Deaths - - 583			
		100 Deaths to 127 Births.			
2. Part of the County of Mansfeld.	8½	Marriages - - 186			
		Cities, 5. Villages, 42.	Eisleben	900	4500
		Acres of Arable and Wood Land - 40,000			
		Births, 687. Deaths, 580.			
		100 Deaths to 118 Births.			
13. County of Barby and Gommern.	4½	Marriages - - 157	Barby	—	—
			Gommern	—	—
14. Lufatia.	180	400,000 (1784)	2222		
a) Upper Lufatia.	100	285,000	2850		
		(*Hunger*, and Church Regifters.)			
		Cities, 6. Market Towns, 23.	Bautzen	700	7500
		Wendifh or Venedic Villages - - 450	Camenz	—	5500
		— with Churches 62	Görlitz	1336	7800
		— Proteftant 54	Zittau	7000	10,000
		— Catholic - 8	Lauban	500	6400
			Löbau	250	2100
		Births, according to the above Calculation 11,523	Herrenhuth	—	1450
		Deaths - - 9342			
		100 Deaths to 123 Births.			
		Marriages - - 2678			
b) Lower Lufatia.	80	115,000	1437		
		Cities, 4. Market Towns, 17.	Luckau		
		Births, 4057. Deaths, 3012.	Guben		
		100 Deaths to 134 Births.	Lübben		
		Marriages - - 1051	Sorau		

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities. Houſes.*	*Inhabs.*
Dominions of Brunswick-Luneburg.	700 11,200 Eng.	850,000 (Middle Calculation)	1214		
The Political Journal, of December 1785, calculates the number of inhabitants at more than 1,000,000; but when the calculation was made in 1756, before the war, the number amounted only to 750,000. (*Buſching's Geogr.*)		According to the Statiſtical Tables lately publiſhed at London, 1,062,500.			
		Cities - - 65			
		According to another Account - 49			
		Market Towns, more than 70			
		Villages - - 3760			
		Amts, or Bailiwicks 107			
		Religious Foundations, or Convents - 34			
		Provincial Courts of Judicature - 23			
		Noble Juriſdictions 83			
		Hearths (*Pol. Journ.* 1785) - - 112,000			
		According to others, in the year 1780, 99,739			
		Pariſh Churches - 785			
		Reformed, or Calviniſtical 14			
		Catholic, and Chapels 7 (*Buſching* and *Schlözer.*)			
Diviſion.					
1. Principality of Calenberg.	95	185,000	1937		(1766)
		Cities - - 19	*Principal Cities.*		
		Market Towns - 17	Hanover 52° 25′	1536	15,500 with the Garriſon 18,000
		Lutheran Parochial Churches - 210			
		Calviniſtical - 5	Hameln	650	4000 without Gar.
		Catholic - 6			
		Lutheran Abbies - 2	Göttingen 51° 31′ 54″	1000	7650 without the ſtudents and Gar.
		Catholic Monaſtery - 1			
		Lutheran Convents for Ladies - - 5	Nordheim	500	3200
		Taxable Hearths 24,170			
		In the County of Spiegelberg - - 231 (*Buſching* and *Schlözer.*)	Münden	607	4000
2. Principality of Grubenhagen.	45	80,000	1777		
		Cities - - 5	Eimbeck	830	4500
		Mine Towns, lately exchanged by Brunſwick-Wolfenbuttel for another Diſtrict - 4	Oſterode	560	4000
			Clauſthal	800	8000
			Andreaſberg	450	——
		Parochial Churches - 44	Cellerfelde	405	5500
		Taxable Hearths - 6973	In the other towns which were common to the Houſes of Brunſwick-Luneburg and Wolfenbuttel, but given up to the former in 1788 - -	——	9000

Finances.

ANNUAL REVENUE.

5,500,000 Rix-dollars.

According to Riſbeck's Letters, 480,000 Rheniſh Florins; and the Statiſtical Tables lately publiſhed in London, 820,000l. ſterling.

Domains and Regalia - -	3,000,000
LICENT and other Impoſts -	2,500,000

The Hartz Mines produce a Million of Rheniſh Florins, or, deducting all the Expences, a Surplus of - - - 453,000 Dollars

In order to raiſe an extraordinary Sum of 100,000 Dollars, the Provinces contribute in the following proportion.

	Dollars.	Marien Groſchen.
Calenberg -	40,743	24
Lüneburg -	40,743	24
Grubenhagen -	5456	15
Lauenburg -	3094	—
County of Hoya -	8148	1
Diepholz -	1500	—
The Separated Places, as they are called -	300	—
The Catholic Convent of Marienrode -	84	—

(*Buſching.*)

Military Eſtabliſhment.

26,048 Men.

viz.

Cavalry - -	4202
Infantry - -	13,762
Artillery - -	668
Provincial Infantry	5500
Garriſon ditto -	2584

(*Pol. Journ.* 1785.)

Actual State.

19 to 20,000 effective Men.

In part of the Brunſwick territories there are extenſive heaths, and ſome of the lands are marſhy; but in other parts they are very rich, and highly cultivated. The ſoil in general produces abundance of corn, fruits, hemp, flax, tobacco, and madder. The ſalt ſprings are numerous, and very productive. The inhabitants breed a number of excellent horſes, of which there are many in the royal ſtables at London. There are moſt metals and minerals; and the foreſts produce large quantities of timber. The manufactures, which are chiefly linen, oil-ſkins, articles of cotton, &c. are exported from Bremen and Haarburg, a town admirably ſituated for commerce on the Elbe. No country can have greater opportunities for trade than this; which is evident from the flouriſhing condition of the adjacent cities, Hamburg and Bremen.

The Univerſity of Gottingen, called Georgia Auguſta, is deſervedly celebrated as one of the beſt in Europe. It was founded by King George II, in the year 1734. The number of ſtudents, of different nations, is generally about 800; and there are upwards of 60 profeſſors, teachers of languages, &c. who read half-yearly courſes of lectures on every ſcience, and are juſtly diſtinguiſhed for their great learning and liberality of ſentiment. It has at preſent the honour of educating the three Princes, Erneſt Auguſtus, Auguſtus Frederick, and Adolphus Frederick, of England. The library contains upwards of 130,000 volumes.

The Hartz Foreſt, or *Sylva Hercynia*, mentioned by Cæſar, is very extenſive and romantic. The mountains, except one called the Brocken, which is the higheſt in the northern part of Germany, are covered with pines and beach, and abound with rich ſilver, copper, iron and lead mines.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
3. Principality of Luneburg, or Celle, with the County of Dannenberg.	210	200,000	952		
		Cities - - 11	*Principal Cities.*		
		Market Towns - 13			
		Parochial Churches, with two Calviniſtical ditto 200	Luneburg	1300	8500
		Taxable Hearths, and in the County of Dannenberg - - 4084	Celle	1130	8000
			Haarburg	500	3500
			Uelzen	330	1600
4. Dutchy of Lauenburg.	40	45,900	1125		
		Cities - - - 3	Lauenburg	250	1800
		Market Towns - - 1			
		Noble Villages - 27	Ratzeburg	121	——
		Taxable Hearths - 3532			
			Möllen	228	——
5. Dutchy of Bremen.	150	152,000	1013		
		Births in Bremen and Verden, upon an average 5616	Stade 53° 36′ 5″	770	4600
		Deaths - - 5339	Buxtehude	355	1800
		Cities - - 2			
		Market Towns - 12	Scharmbeck	260	1200
		Lutheran Churches - 118			
		Calviniſtical ditto - 7			
		Taxable Hearths - 22,276			
		New Villages, with 747 Hearths - - - 41 (*Schlözer*, &c.)			
6. Principality of Verden.	35	30,000	857		
		Cities - - 1	Verden	470	4000
		Market Towns - 1			
		Villages, and Domain Farms - 220		*Pol. Journal*, 1785. p. 107.	
		Taxable Hearths - 2231			
7. Land-Hadeln.	12	17,000 (*Schlözer.*)	1416		
		Taxable Hearths - 3075	Otterndorf	352	2600

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
8. County of Hoya.	38	40,000	1052		
		Cities - - 1			
		Market Towns - 13	*Principal Cities.*		
		Pariſhes - - 54	Nienburg	—	—
		Hearths - - 9282	Liebenau	—	—
9. County of Diepholz.	15	12,000	800		
		Cities - - 1	Diepholz	—	—
		Market Towns - 4			
		Pariſhes (one Catholic) 10			
		Hearths - - 2099			
10. County of Bentheim. Mortgaged to the Houſe of Hanover, and not yet redeemed.	22	20,000	909		
		Cities - - 3	Bentheim	—	—
		Market Towns - 1	Nienhus	—	—
		Hearths (1776) - 5432 (*Schlözer*, and *Polit. Journ.* 1782.)			
11. County of Hohenſtein.		Hearths - - 1365	Ihlefeldt	71	—

At Ihlefeldt is a celebrated pædagogium, or public ſchool, under the inſpection of Profeſſor Heyne, of Gottingen, an account of which was given ſome time ſince in England, in the late Mr. Maty's Review. It was founded as a convent of Premontratenſian Monks in 1190, and converted into a ſchool in 1550. The revenues are very conſiderable, chiefly ariſing from the timber in the adjacent foreſts. The profeſſors are ſix in number; and the exhibitions are at the diſpoſal of the Government of Hanover, and Counts of Stollberg. Four of the ſtudents on the foundation muſt be natives of the Principality of Schwartzburg-Sonderſhauſen. Out of the revenues, twenty-four ſtudents are maintained at the Univerſity of Gottingen, of whom the Counts of Stollberg nominate eight.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhab.*
Dominions of the Elector of MENTZ.	175	320,000	1830		
	2800 Eng.	Cities - - 54	114		
		Villages - - 748			
		Caſtles - - 22			
		Bailiwicks - 50			
		Monks and Nuns - 1490			
		Other Clergy - 1438			
		Perſons in Service - 5100			
		(*Dohm* and *Buſching.*)			
Diviſion.					
1. The Archbiſhoprick, which abounds with the fineſt wines on the beautiful banks of the Rhine: the beſt, called in England Old Hock, grow in the neighbourhood of Hochheim, Johannesberg, and Rüdeſheim. The Dutch merchants ſometimes pay a ducat for a ſingle vine-ſtock before the vintage.	115	208,100 (1776)			
		Cities - - 41			
		Market Towns - 21			
		Chaplaincies and Pariſhes 556	1809		
		Clergy in general, about 2400			
		The Archchapter of Mentz conſiſts of twenty-four perſons, viz. five Prelates and nineteen Capitulars. The former have the privilege of wearing a mitre. The Domicelli muſt be born in the Rheniſh Province, and produce ſix noble anceſtors.	*Principal Cities.*		
			Mentz	—	27,000 (*Dohm.*)
			49° 54′		
			Bingen	—	4500
			Höchſt	350	1900
			Rüdeſheim	—	2500
			Hochheim	—	2600
			Fritzlar	—	—
2. Territories in Thuringia. The country is remarkably fertile: the greateſt part of the inhabitants are Proteſtants, except in five villages; and in the city of Erfurt is an univerſity and a Catholic monaſtery for natives of Scotland.	12	36,000	1750 (excluſive of the Capital.)		
		Cities - - 1			
		Market Towns - 1			
		Villages - - - 73			
		Convents - - 8	Erfurt	2851	15,000
		Parochial Clergy - 73	51° 6′		
3. Eichsfeld. The ſoil is not very fruitful, and the inhabitants are poor: the principal and only manufactures are ſerge and linen. Tobacco and flax are cultivated; and at Duderſtadt, the greateſt means of ſubſiſting is beer-brewing.	40	74,000	1850		
		Cities - - 4	Heiligenſtadt	—	—
		Market Towns - 3	Duderſtadt	—	—
		Villages - - 150			
		Clergy, without the religious Orders - 113			
		(*Dohm, Buſching, Schlözer.*)			
4. Biſhoprick of Worms. The country is, for the moſt part, mountainous and woody; but has ſome arable lands, meadows, and wine, the beſt of which, which grows on the Rhine, is, for its delicious flavour, called *Our Lady's Milk.* The archiepiſcopal cathedral is in the Imperial city; the Chapter conſiſts of thirteen Capitulars, and nine *Domicelli.* (*Buſching.*)	8	—	—		
		Cities - - 1	Neu Leiningen	—	—
		Market Towns - 1			
		Scattered Places - 20			
		(*Buſching.*)			

Finances.	*Military Eſtabliſhment.*	
ANNUAL REVENUE. 1,500,000 Florins. (*Dohm.*) Or 1,700,000. (*Riſbeck's Letters.*) The Tax on Wine alone, produces more than 110,000 Rix-dollars. (*Buſching.*)	10,000 Men. (*Milit. Bibl.*) Real Eſtabliſhment at preſent, only 2,200 Men. (*Riſbeck's Letters.*)	

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
VII. Dominions of the ELECTOR of TREVES -	151				
Diviſion.		*Terra incognita.*	*Principal Cities.*		
1. Archbiſhoprick of Treves - -	119				
The country is mountainous and woody, contains good paſturage for cattle, & in many places fruitful arable land; yet ſtands in need of the importation of corn. The growth of wine on the Moſel, is very conſiderable; and among the Moſel wines, thoſe that grow at Zeltingen, Wehlen, Krag, Duſſemund, and Chus, are in great eſteem. There are mines of ſtone-coal, calamy, iron, copper, lead, tin, and ſome ſilver.		Cities and ſmall Towns 29 The Free Nobility, or Knighthood of the Empire, poſſeſs one third of the Eſtates. (*Buſching.*) The Chapter conſiſts of forty Canons; among whom are ſixteen Capitulars, and twenty-four *Domicelli*. They muſt at leaſt be deſcended of ancient noble families, and have it in their power to exhibit ſixteen anceſtors capable of being admitted to tournaments.	Treves 3 Collegiate and 5 Pariſh Churches 23 Convents Coblenz		12,000
The ancient inhabitants were called *Treviri*, from whom the country and principal city take their names. (*Buſching.*)					
The waters of Sekers, a village on the Emſbach, are very celebrated, and profitable to the Elector.					
2. Biſhoprick of Augſburg - -	34	Cities - - - 2 Small Towns - - 11 (*Buſching.*)	Dillingen		
The Dioceſs takes its name from the Imperial city.		The Chapter conſiſts of forty Perſons. A Prebendary brings in about 1700 florins; but this depends on the plenty or ſcarcity of corn.			
3. Princely Priory of Elwangen - -	7	Cities - - - 1 Small Towns - - 6 (*Buſching.*)	Elwangen		

Finances.	*Military Eſtabliſhment.*	
ANNUAL REVENUE.		
780,000 Florins.	7,000 Men. (*Milit. Bibl.*)	
viz.	Actual Number,	
Treves - - 500,000 Florins	1200 Men, troops of the Circle	
Augſburg - - 100,000	40 Life-Guards.	
Ellwangen - - 80,000		
(*Riſbeck's Letters.*)		

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
VIII. Dominions of the ELECTOR of COLOGNE.	360	550,000 Cities - - - 60 Small Towns - 27	1250		
I. The ELECTORATE	130	About 200,000 (Moſt probable Calculation.)	1538		
Diviſion.					
1. The Archbiſhoprick. Some part of the country is mountainous and woody; another ſandy; and a third, very fruitful. The wine called Bleichert, on the Rhine, is tolerably good. The cathedral church is in the Imperial city of Cologne; and the Chapter conſiſts of twenty-five Canons, and a number of *Domicelli.*	60	80,000 Municipal Cities - 17 Small Towns - 5 Morgens, or acres of lands, of which the Elector has Domains - 5,030 acres The Chapter - 7,570 The other Clergy 90,758 In Bonn (the Elector's Reſidence). Clergy - - - 271 Jews - - - 200	1333 *Principal Cities.* Bonn Andernach Neuſs	— — —	11,000
2. County of Recklingſhauſen - -	15	18,000 Cities - - 2 Liberties - - 4 Villages - - 7 Scattered Peaſants Houſes - - 3,000 Convents - - 5 (*Polit. Journ.*)	1200 Recklingſhauſen	—	—
3. Dutchy of Weſtphalia - - Abounds with iron ore, calamy, lead, copper, and ſome ſilver. The ſoil is not very fruitful, but there are fine woods & meadows.	55	100,000 Cities - - 25 Small Towns - 12 Convents, and other religious Foundations 18 (*Ibid.*)	1818 Brilon Arenſberg Stadtberg	— — —	—
II. Biſhoprick of MÜNSTER - - The country in general is level, and the heaths very extenſive. There are ſome fruitful plains, fine woods, and turf; together with good quarries of ſtone; & the rivers abound with fiſh.	230 ⅓ cultivated land. ⅔ heath.	350,000 Cities - - - 13 Small Towns - 12 Convents - - 44 Houſes free from contribution - - 15,000	1521 Münſter Meppen Vechte	— — —	—

Finances.

ANNUAL REVENUE.

1,000,000 Rheniſh Florins from the Archbiſhoprick.

The preſent Elector is expected to be elected Biſhop of Paderborn, the income of which See is worth 600,000 florins; ſo that, with the Revenues of Münſter, and his Commandery of the Teutonic Order, which is valued at 400,000, it is ſaid his income will be at leaſt 4,400,000 florins.

(*Riſbeck's Letters.*)

Münſter.

1200,000 Florins,

Of which the greateſt part is received by the Provincial States.

The Contribution from the Pariſhes produces, monthly - - 30,000 Rix-dollars

Public Debt.

More than 2,000,000 Dollars.

(*Polit. Journ.* 1784.)

Military Eſtabliſhment.

6000 Men.
(*Milit. Bibl.*)

In the Archbiſhoprick and Dutchy of Weſtphalia.

One Regiment of Infantry, of 14 Companies, 1006 men; of which, 11 Companies are ſtationed at Bonn, and the reſt in the different Cities.

1 Company of Huſſars

½ Ditto Life Guards (50 Men)

(*Materials for an eccleſiaſtical and ſecular Statiſtical Account of Cologne compared with the Polit. Journ. of* 1784, p. 565.)

4 Regiments of Infantry

1 Regiment of Cavalry

A Troop of Horſe Guards

And a Corp of Artillery,

Maintained by the Chapter.

(*Schlözer and Polit. Journ.* 1784.)

IX. *Saxe-Weimar.*
X. *Saxe-Gotha.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
IX. Dominions of the Duke of Weimar	42	. . . . .	—		
Diviſion.					
1. Principality of Weimar — Mountainous and woody, grain not very plentiful. At Jena is an univerſity which is very much frequented, and has produced many eminent ſcholars.	26	65,000 Cities and Small Towns 15 Births, upon an average, 2,050 Deaths — — — 1,820 (*Gruner's Almanack*, 1784.)	2500 *Principal Cities.* Weimar Jena, 50° 57′ (*Nicolai*, 1785.) Apolda Buttſtedt Altſtedt	725 816 480 380 276	7,000 5,300 4,000 — —
2. Principality of Eiſenach — In this Principality there are mines of copper and iron, together with ſome allum and vitriol, & ſome ſalt ſprings.	12	. . . . .	—		
		Cities and Small Towns 6	Eiſenach, 51°	1400	6,000
			Ruhla	256	—
			Berka	171	—
			Markſuhl	156	—
3. Henneberg & Bailiwicks of Ilmenau, Kalt-Nordheim, & Oſtheim.	4	. . . . .	—		
		Cities — — 3	Ilmenau	—	—
		Small Towns — 2	Oſtheim	468	—
X. Dominions of the Duke of Gotha	55	156,000	2838		
Diviſion.					
1. Principality of Gotha — The ſoil is very fertile, and the inhabitants of the Capital carry on a conſiderable trade in woollen manufactures, porcelain, &c.	30	(1779) 77,898 Cities — — — 6 Small Towns — 6 Villages — — 164 Pariſhes — — — 124 Filials, or Chapels of Eaſe — — 58 Bailiwicks — — 9 Houſes — — 17,776 (*Galetti's Hiſt. of Gotha*, 1781.)	2596 Gotha, 50° 58′ Ohrdruf Ruhla Kranichfeld	(1779) 1,274 755 500 250	11,280 4,150 1,700 1,300
2. The greateſt part of the Principality of Altenburg — The ſoil is fertile in corn, and abounds in good paſturage. There are extenſive woods; and the mines yield copper and cobalt, together with vitriol, and other minerals.	25	78,000 In the whole Principality. Cities — — — 13 Small Towns, Villages, and Manor-Farms — — 608 Births (1782) — — 3,301 Deaths — — — 2,512 Marriages — — 870 (*Gotha Almanack*, 1784.)	3120 Altenburg Lucca Ronneburg Orlamünda	— — — —	7,000 — — —

Finances.	*Military Eſtabliſhment.*	
ANNUAL REVENUE. 600,000 Rheniſh Florins. (*Riſbeck's Letters.*) According to others, 600,000 Dollars.	The Military was reduced, in 1783, to a Company of 80 Guards.	
800,000 Rheniſh Florins. According to others, more than 700,000 Dol. (*Buſching*, &c.)	Two Provincial Regiments, or Militia, each 800 Men. One Company of Guards, 160 Men. And a Corps of Artillery. (*Buſching.*)	

XI. *Saxe-Coburg-Saalfeld.*
XII. *Saxe-Hilburghauſen.*
XIII. *Saxe-Meinungen.*

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
XI.						
Dominions of the Duke of Saxe-Saalfeld	16					
1. Part of the Principality of Coburg	6	25,500		4250		
The ſoil is fertile, and there are fine paſture grounds. There are ſilver, copper, and iron mines; good pit-coal, alabaſter, and marble. The moſt uſual exports are wool, fatted ſheep, and black cattle. At Coburg is a porcelain manufactory, &c.		Cities	3	*Principal Cities.*		
		Different Places	163	Coburg	745	709
		Houſes	4431		(*Gruner* compared with *Nicolai*.)	
		Churches	50			
		Births (1783)	838		273	1290
		Deaths	648	Rodach		
		The whole Principality of Coburg contains 23 ſquare miles, 65,000 ſouls, 10 cities, 7 market-towns, 332 villages, 97 mother-churches, 20 filials or chapels of eaſe, 48 noblemen's ſeats.		Neuſtadt	196	1016
					(*Gruner*.)	
2. Part of the Principality of Altenburg	10					
		Cities	4	Saalfeld		
		Bailiwicks	3			
XII.						
Dominions of the Duke of Saxe-Hilburghausen	—					
1. Part of the Principality of Coburg	12					
		Cities	5	Hilburghauſen		
		Small Towns	2			
		Villages	117			
2. Part of the County of Henneberg	—					
		Small Towns	1	Behrungen		
		Villages	4			
XIII.						
Dominions of the Duke of Saxe-Meinungen	22½					
1. Greateſt part of the Princely County of Henneberg	18					
		Cities	3	Meinungen		
		Small Towns	2			
		Bailiwicks	6			
		Places in general (*Buſching*.)	250			
2. Part of the Principality of Coburg	4½	13,000		3292		
		Cities	2	Sonnenburg	248	1757
		Small Towns	4	Schalkau	117	638
2½ Foreſt		Villages	70	Steinach, a populous village	—	1072
1½ Arable Land and Paſturage.		Habitable Houſes	2,193			
		Acres of Arable Land	50,000			

Finances.	*Military Eſtabliſhment.*	
Annual Revenue of COBURG. 86,000 Rix-dollars. *Debt* (1773). 1,075,068 (*Schlözer.*) 60,000 (*Buſching's Geogr.*)	The contingent to the Circle, of 84 men, is maintained in the time of peace at Coburg, as a guard, and increaſed to 133 Grenadiers and Muſqueteers. The Militia conſiſts of a Battalion of 3 Companies, of 120 Men. (*Nicolai.*)	
HILBURGHAUSEN. *Annual Revenue.* 80,000 Dollars. (*Buſching.*) 71,827 Florins. (*Schlözer.*)		
Part of COBURG. *Annual Revenue.* From the Foreſts alone, 60,000 Florins.		

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhab*
XIV.					
Dominions of the MARGRAVE of BAYREUTH-ANSPACH.	—		—		
1. Principality of Bayreuth.	65	185,000	2846		
The country is partly mountainous and partly ſandy. There are mines which produce iron, vitriol, antimony, copper, and lead. There are fine cryſtals likewiſe, and marble of all colours. Some of the mountains are covered with pines. At Erlangen there is an Univerſity. The French refugees manufacture ſtockings and hats there; and the other manufactures are porcelain, and woollen cloths, of which large quantities are exported.		Births (1776) - - 7195 Deaths - - 5469 Marriages - - 1694 Cities - - 18 Market Towns - 36 Pariſhes - - 196 Noblemen's Seats - 250 Births (1783) - 6929 Deaths - - 5884	*Principal Cities.* Bayreuth Erlangen Culmbach Hoff on the Saale	900 10,00 (*Gerken*) — 850 (*Nicolai.*) 402 266 (*Gerken.*) 600 500 (*Gerken.*)
2. Principality of Anſpach.	80	The ſtate of Population is unknown. Cities - - 15 Market Towns - 17 (*Buſching.*)	Anſpach 49° 19′ Schwabach Fürth Gunzenhauſen	(1774) 900 10,20 (*Nicolai.*) — 600 — — — —
The ſoil is better than Bayreuth. On the Mayn is a good product of wine, and the breed of cattle is excellent. There are iron mines, and ſome marble. At Schwabach the manufactures are very numerous, and in high repute, particularly gold and ſilver lace.					
3. Part of the County of Limburg, and the County of Sayn-Altkirchen.	—	—	—	—	—
The latter devolves, on the death of the preſent Margrave, to the Houſe of Hanover.					
XV.					
Dominions of the DUKE of BRUNSWICK-WOLFENBUTTEL.	94	185,000 (Probable Calculation.) 166,340, in 1775, without the Military, viz.	1968		
Diſtrict of Wolfenbuttel - -	—	71,619			
——— Schöning - -	—	31,364			
——— the Hartz Foreſt -	—	21,135			
——— the Weſer - -	—	26,888			
Principality of Blankenburg -	—	12,646			
Bailiwick of Thedinghauſen, in Weſtphalia - - -	—	2688 (*Schlözer.*)			
The country abounds with woods and rich mines: the manufactures are numerous, the moſt famous of which are of looking-glaſs and porcelain. There are iron works and ſalt works. Near Blankenburg are marbles of every colour. From Brunſwick they export large quantities of mum, linens, leathers, &c.		Cities - - 10 Market Towns - 8 Convents, and other religious Foundations 17 Villages - - 386 (*Buſching.*)	Brunſwick 52° 19′ 18″ Wolfenbuttel Helmſtadt Holzmünden	— 22,40 (1-83 773 500 — 400 — —

Finances.

Annual Revenue.

2,000,000 Florins.

viz.

Bayreuth - -	900,000 Fl.
Anſpach, more than	1,000,000 —

Public Debt.

1769 Bayreuth -	2,400,000 Fl.
1757 Anſpach -	2,300,000 —

Two millions of which were liquidated by prudent management in 1780. 151,000 dollars were expended in the purchaſe of eſtates and valuable prerogatives; and 824,000 dollars laid out in the improvement of the country.

In 1784 the whole debt was liquidated, except a ſmall capital, which it was not thought adviſable to pay ſome individuals, who live on the intereſt of their money, all at once, or elſe money belonging to churches and charitable foundations. Beſides this, a conſiderable and almoſt a fifth part of the arrears of the taxes was granted to the ſubjects.

Revenue in 1780.

Above 1,500,000 Rix-dollars.

(*Polit. Journ.* 1781.)

Public Debt.

In the year 1770 it amounted to 7,000,000 of dollars, and the credit of the country began to decline, owing to the great expences of the laſt Duke; but through the prudent management of the preſent Sovereign, more than two millions were paid off in 1779; and it was calculated, that by means of the preſent wiſe regulations, the whole debt would be paid before 1790. (*Polit. Journ.* 1781.)

At Helmſtadt is a celebrated Univerſity, founded in 1576. Before Gottingen was founded, it was common to all the Brunſwick dominions. Holzmünden is conveniently ſituated for trade on the Weſer.

Military Eſtabliſhment.

3 Regiments of Infantry.

1 Corps of Huſſars.

1 Troop of Horſe Guards.

(*Buſching.*)

5500 Men

(1775).

The preſent eſtabliſhment is reduced to 2 Regiments of Infantry and 1 of Dragoons.

In the war of 1757, the number of troops amounted to 12,000 men.

The Duke at preſent commands a Regiment in the Pruſſian ſervice, which is generally quartered at Halberſtadt in time of peace, near his own territories.

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhab.*
XVI.					
Dominions of the DUKES of MECKLENBURG.	300	300,000 (*Riſbeck's Letters.*)	1000		
The ſoil is ſandy, and the heaths very extenſive, with moors, woods, fens, and quarries: of late, however, the country has been much improved. There are ſalt-ſprings, alum, iron, and ſome copper. The lakes are very numerous, and from one to three German miles in length; but in many places, the eminences covered with woods, interſperſed with corn lands, and the vallies with paſturage and water, give the country a very agreeable appearance.		According to *Buſching*, only 220,000.			
		Cities and Towns - - 45			
		Hufen or Hides of Land 12,545			
		Noble Families ſettled in the Country - 112			
		Noble Eſtates - 594			
		Peaſants Farms - 2500 (*Buſching* and *Polit. Journ.*)			
Diviſion.					
1. Mecklenburg-Schwerin.	240	240,000	1000		
			Principal Cities.	(1784)	
Roſtock is conveniently ſituated for trade, and exports from the haven of Warnemünde, various commercial articles, particularly wood and leather. There is an Univerſity there.		Cities and ſmall Towns 31	Schwerin	950	9950 (*Geogr. Mag.*)
		Noble Eſtates and Farms 1100			
		Ducal Eſtates farmed out 316	Roſtock	1650	8000
		—— Villages - 550	54° 10′		
		Lutheran Convents for Ladies - - 3	Güſtrow	——	5000
		(*Schlözer.*)	Parchim	——	2900
			Bützow	——	2800
			Boitzenburg	——	3500
			Ludwigsluſt	——	1900
2. Mecklenburg-Strelitz, with the Principality of Ratzeburg.	60	60,000	1000		
		Cities in the country of Strelitz - - 9	Neu-Strelitz	——	2500
		Villages, more than - 150	Alt-Strelitz		
		Ducal Domains and Farms, including Ratzeburg, more than - - 200	Neu-Brandenburg		
			Stargard		
			Mirow		
		Births, in the former (1783) 1563			
		Deaths - - 1074			
		Marriages - - 386 (*Political Journal*, 1785.)			
Principality of Ratzeburg.	—	—	—		
		Small Towns - 2			
		Villages, and Buildings for the purpoſe of Agriculture - - 90			
		Births (1784) - 259			
		Deaths - - 217			
		Marriages - - 86 (*Political Journal*, 1785.)			

Finances.	*Military Eſtabliſhment.*
Annual Revenue. The income of the whole country would be 4,500,000 dollars, if the noble eſtates were valued at 20,700,000, and the revenues at 1,035,000; but in this calculation are reckoned the revenues of the cities, and the other eſtates. (*Nugent's Travels.*) The *Public Debt* is conſiderable.	
SCHWERIN. Revenues of the Duke, more than 700,000 Dollars, or about 1,350,000 Florins, on account of the large Domains. (*Schlözer.*) Contribution from the Nobility throughout the country - - 40,000 Dol. ——— from the Cities, more than 100,000 — The Tolls on the Elbe formerly produced 100,000 — ——— at preſent ſcarcely 30,000 — (*Schlözer.*) The Bailiwicks in general - 390,000 — The Foreſts - - 4521 — Contributions and Exciſe - 200,000 — The Poſts, about - 18,000 — (*Polit. Journ.* 1785, according to which the revenues of 1770 only amounted to 534,101 Dol.)	SCHWERIN. 1 Squadron of Guards 60 Men. 1 ——— Huſſars 16 — 1 Reg. of Infantry, of 5 Comp. 1 ——— Grenadiers, 5 Comp. Not 1500 Men in all. (*Schlözer.*)
STRELITZ. *Annual Revenue.* Domains and Regalia - - 350,000 Dol. Viz. From the Seigniory of Stargard 50,000 — Principality of Ratzeburg 92,000 — Toll on the Elbe at Boizenburg - 9000 — Foreſts - - 8000 — (*Polit. Journ.* 1785.) In order to provide for other neceſſary expences, the following ſums are raiſed as a provincial fund, a part of which is applied to pay off the public debt. From the Domains of Schwerin - 6000 Dol. ——— Strelitz - 1000 — ——— Nobility, Eſtates of the Cities and Convents - 7380 — ——— Cities of Schwerin - 6180 — ——— Strelitz - 900 — ——— City of Roſtock - 2000 — Total 23,460 Dol. (*Schlözer, compared with Hauſen.*)	STRELITZ. Formerly 5 Comp. Infant. 1 ——— Life Guards, and a few Huſſars. At preſent not more than 50 Men. (*Nugent.*)

XVII. *Wirtenberg.*
XVIII. *Palatine Deux-Ponts.*

Countries.	*Square M.les.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
XVII. Dominions of the DUKE of WIRTENBERG. The country is very fertile, and the climate one of the beſt and warmeſt in all Germany. Grain is ſo plentiful, that large quantities are exported, particularly ſpelt. There are abundance of orchards and vineyards. The mines produce ſilver and copper, and ſome iron. The *ſigillata* here is reckoned preferable to that of Malta. The marbles are finely variegated, and there are agate cryſtalline pebbles which cut glaſs. The chief manufactures are ſilk, linen, and woollen.	200	585,000 In the year 1782 were reckoned about 566,000 In addition to which muſt be reckoned the Calviniſts, Catholics, and the ſubjects in Heildorf and Limburg, acquired ſince 18—19,000 (*Buſching.*) — Cities, large and ſmall - 68 Market Towns, Villages, and Hamlets - 1200 Lutheran Church Bailiwicks - - 618 Calviniſtical Waldenſes - 8 Catholic Communities - 14 Vacant Bailiwicks - 135 Lutheran Pariſhes - 555 ——— Filials, or Chapels of Eaſe - - 829 Jews - - 426 (*Buſching*, and *Polit. Journ.*)	2925 *Principal Cities.* Stuttgard 48° 52′ Ludwigſburg Tübingen 48° 34′ 30″ Blaubeuern Calb Göppingen before the Brande Urach	— — — — — 460 358	20,000 (1782) 6750 — — 1200 — (1784) 2952 (*Geogr. Mag.*)
Princely County of Monbelliard. This County does not belong to any of the Circles.	—	50,000 including the nine incorporated Seigniories in Franche Comté and Alſace. In the County, Cities - - 1 Villages - - 50 ——— Parochial - 16 In the Seigniories, Cities - - 4 Parochial Villages - 17 (*Hiſt. of Monbelliard, in Meuſel's Hiſt. Litter. Mag.*)	Monbelliard	—	5000 (*Ibid.*)
XVIII. Dominions of the DUKE of DEUX-PONTS. The Duke is the firſt in rank among the Princes of the Empire on the ſecular Bench.	92	Superior and other Bailiwicks, which compoſe the whole Dutchy - 12 (*Bachmann.*)	Zweybrücken, or Deux-Ponts Homburg Lichtenberg Meiſenheim Trarbach Allenbach Kaſtellaun Anweiler Biſchweiler	252	5200 — (*Buſching.*)

Finances.	*Military Eſtabliſhment.*	
Annual Revenue. 2,000,000 Florins. viz. Domains - - 800,000 Fl. Raiſed from the Provinces - 1,200,000 — (*Buſching.*) According to others, almoſt 3,000,000 — *The Public Debt,* During the time of the firſt ſplendid government, amounted to 16,000,000 Florins; but by this time it is nearly liquidated.	6000 Men. (1783 *Milit. Bibl.*) During the war in 1759, the Military conſiſted of 14,000 Men.	
Annual Revenue. 800,000 Florins. (*Riſbeck's Letters.*)	A Company of Foot Life-Guards, and a Corps of Huſſars, beſides a Company of diſciplined Militia, in each of the ſuperior Bailiwicks. (*Bachmann.*)	

XIX. *Hesse-Cassel.*
XX. *Hesse-Darmstadt.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
XIX. Dominions of the Landgrave of Hesse-Cassel. 50—52° N. Lat.	260	450,000	1730		
Division.					
1. Hesse-Cassel.	208				
2. Part of the County of Henneberg.	4	350,000	1576		
3. County of Hersfeld.	10		*Principal Cities.*		
For the most part hilly and woody, though not without good corn lands and pasturage. There are silver, copper, lead, and iron mines: alum, vitriol, pit-coal, salt springs, &c.		Cities - - 43 Castles - - 31 Taxable Houses - 55,000 Churches - - 1215 Parishes - - 405 Ecclesiastical Foundations 484 (*Busching's Geogr. Engelhard*, 1778.)	Cassel 51° 10′ Hofgeismar Eschwege Ziegenhain Marburg 50° 49′ Langenschwalbach Hersfeld Schmalkalden	1390, more than 390 615 300 250 500	20,000 2500 3500 1800 1500 3000
At Cassel are manufactories of silk, cloth, gold lace, &c. At Marburg and Rinteln are Universities.					
4. Part of the County of Schauenburg.	16	30,000	1875		
		Cities - - 5 Market Towns - 1 Villages - - 89 (*Busching.*)	Rinteln		
5. County of Hanau.	22	70,000	3182		
		Cities - - 4 Market Towns - 15 Villages - - 66 Separate Farms - 20 (*Geograph. and Hist. Descrip of of the County of Hanau Münzenberg.*)	Hanau 50° 71′ Babenhausen	1200 183 (1780)	9000 According to others 12,000 1106
XX. Dominions of the Landgrave of Hesse-Darmstadt.	100	300,000 (*Probable Calculation according to Busching.*)	3000		
Division.					
1. Upper County of Katzenellenbogen.	—	—	Darmstadt Ems	520	9500
2. Upper Hesse.	—	—	Giessen Butzbach	705	4500 2250
3. Seigniory of Hanau-Lichtenberg in Upper Alsace.	—	—	Pirmasens Buchsweiler		9000 (*Geogr. Mag.*)
The country is very fertile in corn and wine.					
At Giessen is an University.					

Finances.	*Military Eſtabliſhment.*	
ANNUAL REVENUE. 1,600,000 Dollars, beſides 500,000 from Hanau. The Landgrave has a very conſiderable treaſure. The laſt Landgrave left 56,000,000 florins. Large ſums have been received from the Britiſh Government for troops; not to mention the legacy of the late Princeſs Amelia.	12,000 Men, *viz.* 2500 Cavalry, 7500 Infantry, beſides the Artillery, Chaſſeurs, Garriſon-regiments, Engineers, &c. (*Milit. Bibl.*) 3000 Men in Hanau. 12,000 Men are now in Britiſh Pay.	
1,150,000 Florins. The old Debt will ſoon be liquidated. (*Riſbeck's Letters.*)	4000 Men. (*Milit. Bibl.*)	

XXI. *Baden.*
XXII. *Oldenburg.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
XXI. Dominions of the MARGRAVE of BADEN - -	52	200,000 (*Buſching and General Calculat.*)	3845	*Principal Cities.*	
The whole Margraviate is a good country, abounding with corn, wine, hemp, flax, and wood. Manufactures are very much encouraged by the preſent patriotic Prince; & the country in general is in a very flouriſhing condition, notwithſtanding the devaſtations of war before the Peace of Raſtadt.		Cities, about - - 20 Several Market Towns		Carlsruhe	400 (*Gerken's Trav.*)
				Pforsheim	
				Durlach	650
				Raſtadt	
				Baden	
XXII. Dominions of the DUKE of OLDENBURG - -	45	85,000 According to the probable increaſe ſince the year 1769, when the number of ſouls was reckoned at - 79,091	1888		
Diviſion.					
Dutchy of Oldenburg and Delmenhorſt -	45				
This country has excellent paſturage, and produces a remarkably good breed of horned cattle and horſes.		Hearths - - 13,310 Other Buildings - 9,340 (*Buſching, compared with the Geographical Deſcription of Oldenburg and Delmenhorſt in* 1769.)		Oldenburg Delmenhorſt	484 5000 237 1400
Biſhoprick of Eutin -	8			Eutin	

Finances.	*Military Eſtabliſhment.*	
ANNUAL REVENUE. 1,200,000 Florins. The Debts of the preceding Government are almoſt wholly liquidated. (*Riſbeck's Letters.*)	3000 Men, among whom are 300 Cavalry.	
550,000 Florins. (*Schlözer.*)		

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
XXIII. Dominions of the PRINCES of ANHALT.	50	100,000 (*Lobethan*, 1778.) Births, for ten years, on an average - - 3150 Deaths - - 2847 Marriages - - 821 Cities - - - 20 Market Towns - 2	2000		
Diviſion.					
1. Principality of Anhalt-Deſſau - -	12	30,700 (*Lobethan.*)	2559		
Part of the country is fertile in barley and wheat; and there are woods of oak, beach, poplar, elm, &c. There are likewiſe hop-grounds.		Births - - 1078 Deaths - - 936 Marriages - - 191 Cities - - 5 Market Towns - 3 Villages and Out-buildings - - 60 Beſides ſeveral Eſtates in East Pruſſia, between Inſterburg and Wehlau, which extend about 4½ miles in length, and from half to three quarters of a mile in breadth. (*Goldbeck and Buſching.*)	*Principal Cities.* Deſſau Wörlitz	800 (1784)	8000
2. Principality of Anhalt-Cöthen - -	—	23,300	—		
The ſoil of this country varies much. The principal manufacture at Cöthen is gold and ſilver.		Births - - 721 Deaths - - 664 Marriages - - 191 Cities - - 3 Market Towns and Villages - - 70 A collateral line is in poſſeſſion of the free Seigniory of Pleſs in Upper Sileſia, as a fief; a diſtrict of 25 ſquare miles, containing 4 cities, 21 buildings, for the purpoſe of agriculture; 55 villages. The city of Pleſs in 1780 had 205 houſes and 1845 inhabitants.	Cöthen	700	5000
3. Principality of Anhalt-Bernburg -	—	32,900	—		
In this country there are ſome profitable mines of ſilver, lead, copper, &c.		Births - - 711 Deaths - - 654 Marriages - - 194 Cities - - 6 Bailiwicks - - 8	Bernburg Ballenſtedt Hartzgerode Gernrode	600 200 500 300	4000 1800 2500 1200
4. Principality of Anhalt-Zerbſt - -	13	20,750	1596		
The manufacture of gold and ſilver, at Zerbſt, is very profitable.		Births - - 640 Deaths - - 593 Marriages - - 166 Cities - - 4 Bailiwicks - - 7 Market Towns and Villages - - 72 Noble Eſtates - 8	Zerbſt Cofwig	1500 —	6700 1800
Seigniory of Jever -	3 miles long & broad.	Pariſhes - - 19	— Jever	More than 300	—

Finances.

ANNUAL REVENUE.

More than 650,000 Dollars.

The Revenues of the Princes of Anhalt-Deſſau, which are the moſt conſiderable, are ſaid to exceed 300,000.

Thoſe of Anhalt-Bernburg, are about 140,000.

Anhalt-Zerbſt, 120,000.

Anhalt-Cöthen, more than 90,000.

The Annual Revenue of JEVER, 60,000 Dollars.

(*Buſching.*)

Military Eſtabliſhment.

The Prince of Anhalt-Zerbſt has two Regiments; and during the laſt American War had 800 men in Britiſh pay.

XXIV. *Naſſau.*
XXV. *Schwartzburg.*
XXVI. *Waldeck.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhabit.*
XXIV.					
Dominions of the PRINCES of NASSAU *viz.*					
The Houſe of Orange, or Naſſau-Diez-Dillingburg; and Naſſau-Siegen, with the County of Spiegelberg	48	130,000 (*Buſching.*)	2709 *Principal Cities.*		
The country is woody and mountainous, but has ſome arable and meadow land.		Cities 7	Diez	—	—
		Market Towns 8	Dillenburg	—	—
		Villages, more than 300	Siegen	—	—
			Herborn	—	1500 (*Schlözer.*)
Naſſau-Saarbrück-Uſingen	—	35,000 (*Schlözer.*)	—		
A good wine country.			Uſingen	—	—
		Births 1211	Idſtein	—	—
		Deaths 1070	Wiſbaden	—	—
		Marriages 232	Lahn	—	—
		(*Buſching.*)			
XXV.					
Dominions of the PRINCES of SCHWARTZBURG	40	100,000 (*Buſching.*)	2499		
		Cities 12			
		Market Towns 10			
		Caſtles 15			
		(*Buſching.*)			
1. The Northern or Lower County of Schwartzburg	—	. . . . .	—		
Princely Line of Schwartzburg-Sonderſhauſen.		Cities 5	Arnſtadt	—	—
		Bailiwicks 13	Sonderſhauſen	480	—
		Market Towns 17		(*Schlözer.*)	
2. The Southern or Upper County of Schwartzburg	—	. . . . .	—		
Princely Line of Schwartzburg-Rudolſtadt.		Cities 7	Rudolſtadt	—	—
		Market Towns 3	Frankenhauſen	—	—
XXVI.					
Dominions of the PRINCE of WALDECK	39	. . . . .	—		
1. County of Waldeck Mountainous and woody.	37	. . . . .	—		
		Cities 13	Corbach	—	—
		Small Towns 1	Arolſen	—	—
		(*Buſching's Geography.*)	Nieder-Wildungen	—	—
2. County of Pyrmont	2	4153 (*Marguard's Deſcription of Pyrmont, and Geog. Mag.* 1779.)	2076		
		Towns 1	Pyrmont	300	—
		Villages 10			

Finances.	*Military Eſtabliſhment.*	
ANNUAL REVENUE, 400,000 Florins, (*Buſching.*) 150,000 Florins, (*Ibid.*)		
The country of Schwartzburg has ſeveral very beautiful and fertile parts. The foreſts abound in timber, deer, wild boars, &c. There are a few mines of ſilver and copper; and at Frankenhauſen, profitable ſalt works.		
Waldeck. More than 150,000 Dollars, *Pyrmont.* 55,000 Dollars, Of which, the Mineral Waters, which are celebrated throughout Europe, produce 30,000.	Three Companies of the fineſt Men, beſides two Companies, his contingent to the Empire.	

XXVII. *Lippe-Shauenburg.*
XXVIII. *Reuſs.*
XXIX. *Wernigerode.*

Countries.	*Square Miles.*	*Population.*		*Rate per Mile.*	*Cities, Houſes.*	*Inhab.*
XXVII.						
Dominions of the Counts de la Lippe	—	67,000 (1783.)		—		
1. County of Lippe.		Births	2468	*Principal Cities.*		
Very mountainous.		Deaths	2299	Detmold	287	1950
The cultivation of flax is much encouraged;		Cities	5	Lemgow	—	3000
and both the men		Market Towns	4	Horn	(1784)	2600
and women spin and		Peaſantries	152	Ufehln	—	1200
weave the linen,				Blomberg	—	1600
which is the chief				Lippſtadt *jointly with Pruſſia.*	511	2695
manufacture.						
2. Part of the County of Schauenburg	—			—		
				Stadthagen	—	—
				Bückeburg	—	—
XXVIII.						
Dominions of the Prince and Counts of Reus.						
All the Territories	20 1/8			—		
Hilly but not unfruitful. Some minerals.		Cities	9			
		Market Towns	3			
		Villages	231			
Diviſion.		Domain Eſtates	38			
1. Ancient Princely and Principal Branch of the Houſe	—	Noble Eſtates	75	—		
		Cities	2	Graiz	450	4500
2. Younger Branch, or Counts,		Market Towns	2	Zeulenrode	350	2300
		Villages	79			
a) Line of Gera	4 1/2			—		
		Cities	3	Gera		
		Villages, and Buildings for Agriculture	78	before the Brande	700	8000
b) Line of Scleiz	—			—		
		Cities	2	Scleiz	—	—
		Market Towns	2			
		Villages and other Places	47			
		12,840				
c) Line of Lobenſtein	—			—		
		Cities	2	Lobenſtein	400	2245
		Villages, and other Places	42	Eberſdorff	—	838
XXIX.						
Dominions of the Counts of Wernigerode	4 3/8, or 12,380,000 ſquare rods, 55,000 morgens, or acres, of foreſt, and 49,000 acres of arable land, 12 miles in circumference,	12,500		—		
There are fine woods in this country, good paſturage and corn lands; & rich mines of copper, ſilver, iron, and other minerals.		Cities	1			
		Noble Eſtates	9	Wernigerode	711	6500
		Inhabitants of the Villages	6000			
		(1781.)				

Finances.	*Military Eſtabliſhment.*	
Annual Revenue. Lippe and Schauenburg together, 200,000 Dollars.	—	
The whole amount of the Counts Revenues, 200,000 Dollars.		
To which		
The County of Wernigerode contributes 150,000		
County of Schwarzau in Franconia - —	—	
The Seigniories of Kreppelholz, Jannowitz, and Peterſwalde in Silefia - - 24,000		
Some places in common with Stollberg, &c. —		

XXX. *Archbiſhoprick of Salzburg.*
XXXI. *Biſhoprick of Paſſau.*
XXXII. *Biſhoprick of Bamberg.*
XXXIII. *Biſhoprick of Würtzburg.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houſes.*	*Inhab.*
XXX.					
Dominions of the ARCHBISHOP of SALZBURG. 46° 40′—48° 2′	240 (*Weſtenrieder*, 1784.)	250,000	1042		
		Cities - - 6	*Principal Cities.*		
		Market Towns - 25	Salzburg 47° 46′ Lat.	—	14,000 (*Riſbeck's Lat.*)
XXXI.					
Biſhoprick of PASSAU.	15	—	— Paſſau 48° 32′	789	—
XXXII.					
Biſhoprick of BAMBERG.	65	180,000	2769		
		Cities - - 18	Bamberg 49° 57′	—	20,000 (*Riſbeck.*)
		Market Towns - 15	Forchheim	—	—
			Kronach	—	—
XXXIII.					
Biſhoprick of WURTZBURG.	95	200,000	2105		
		Cities - - 30	Wurtzburg	—	16,000
		Market Towns - 11	Kiſſingen	—	—
		Taxable Subjects, or Families - 32,705	Kitzingen	—	—
		Lutheran Pariſhes - 25			

Finances.	*Military Eſtabliſhment.*
Annual Revenue. 1,500,000 Florins. (*Riſbeck's Letters.*) This country conſiſts entirely of mountains and allies. Scarcely any grain is ſown; but the graſs of a peculiar goodneſs, and feeds excellent cattle. he ſalt works are celebrated, and very productive. here are mines of gold, ſilver, copper, lead, iron, nd *lapis calaminaris*. The ſteel and braſs manufactures are in high repute.	1 Regiment of 1000 Men. 50 Halberdeers, and 50 Yeomen Guards. (*Buſching.*)
200,000 Some part of the Biſhoprick of Paſſau is mountainous, and another marſhy. Manufactures are ot much encouraged.	
700,000 (*Riſbeck's Letters.*) The ſoil of Bamberg is good, and produces all orts of grain, fruits, and wine. In the neighourhood of the capital, are ſuch numbers of laurel, ig, lemon, and orange trees, that this ſpot is by ome called the little Italy of Germany.	
800,000 (*Riſbeck's Letters.*) The country is very fertile in corn, and wine, which is very finely flavoured.	

XXXIV. *Bishoprick of Spire.*
XXXV. ——— *Hildesheim.*
XXXVI. ——— *Paderborn.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.* *Inhabit.*
XXXIV.				
Dominions of the BISHOP of SPIRE.	28	———	———	
			Principal Cities.	
The country is mostly woody and mountainous; but in some parts are good arable lands, wine, chesnuts, and almonds.		Cities - - 8	Bruchsal	——— ———
		Market Town - 1	Philipsburg	145 ———
		Bailiwicks - - 10		*Gerckes.*)
		Villages, more than - 90	Rheinzabern	
		(*Busching* and *Bernoulli.*)		
XXXV.				
Bishoprick of HILDESHEIM.	54	———	———	
The greatest part of this Diocess has a good soil, and is well cultivated. The woods are extensive, and large quantities of timber are exported for shipping by the way of Bremen. There are likewise iron works.		Cities - - 8	Hildesheim	2500 12,5[illegible] (*Gegr. Mag.*)
		Market Towns - - 4	Peine	
		Bailiwicks - - 16		
		Places in general - 234		
		Noble Estates - 74		
		(*Busching.*)		
XXXVI.				
Bishoprick of PADERBORN.	55	———	———	
There are extensive heaths; but for the most part the country is fertile, and has a good breed of cattle. There are iron mines and salt springs.		Cities - - 23	Paderborn	
		Market Town - 1	Warburg	
		Villages - - 136	Brakel	
		Other single places - 20		
		Catholic Parish Churches 95		
		(*Busching.*)		

Finances.

Annual Revenue.

300,000 Florins.

(*Riſbeck's Letters*, and *Gercken's Travels.*)

259,404 Dollars.

(1782.)

Contribution in 1782 - 86,938 Dol.

Public Debt.

In 1772, more than 2,000,000, but reduced in 1779 to 1,993,477.

600,000 Florins.

(*Riſbeck's Letters.*)

XXXVII. *Bishoprick of Osnabruck.*
XXXVIII. ——— *Liege.*
XXXIX. ——— *Fulda.*

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities.* *Houses.*	*Inhabit.*
XXXVII.					
Dominions of the Bishop of Osnabruck.	56	120,000	2143		
The principal produce of this country is rye and flax. The linens are very famous, and exported from Holland. It is said, they bring a million of dollars into the country annually.		More accurate calculation in 1772 - - 116,664	*Principal Cities.*		
		Cities - - 4	Osnabruck 52° 38′	1250	9500
		Market Towns - 3	Fürstenau	200	—
		Hearths - - 20,000			
		(*Busching* and *Schlözer.*)			
XXXVIII.					
Bishoprick of Liege.	105	200,000	1943		
The soil of this Diocese is fertile in corn and pasturage. There are large forests, and mines of copper, lead, iron, and stone coal. The mineral waters of Spa are too well known, to the English in particular, to require a description. The manufacture of fire-arms at Liege was formerly very famous.		(usual calculation.)			
		Cities - - 26	Liege 50° 39′	—	80,000
		Villages - - 1400	Hui	—	—
		(*Busching.*)	Dinant	—	—
			Spa	350	—
			Verviers	—	—
XXXIX.					
Bishoprick of Fulda.	48 (*Voigt.*)	80,000	1666		
This country is in general mountainous and woody; but has some arable lands and salt springs.		(*Weickart*, 1781.)			
		Cities - - 8	Fulda 50° 36′	—	—
		Market Towns - 2			
		Bailiwicks - - 20			
		Parish Churches - 60			
		Filial ——— - 94			
		among which are 15 Lutheran.			

Finances.	*Military Eſtabliſhment.*
Annual Revenue. 180,000 Rheniſh Florins. (*Riſbeck's Letters.*)	
According to *Buſching*, the common revenue of the country is 130,000 dollars; but this ſum is often increaſed. The Epiſcopal Domains produce upon an average 40,000 dollars.	
1,200,000 A great part of which is funded by the Provincial States. The Biſhop has 800,000 florins. (*Riſbeck's Letters.*)	The number of perſons bearing arms at preſent, is very uncertain.
300,000 (*Riſbeck's Letters.*)	

Countries.	*Square Miles.*	*Population.*	*Rate per Mile.*	*Cities. Houſes.*	*Inhabit.*
XLI.					
Dominions of the KING of DENMARK in Germany.					
Dutchy of Holſtein.	175	310,000 (*Gottingen Mag.* and *Pol. Journ.* 1785.)	1771		
Chiefly marſhy lands; but grain of all kinds is plentiful. The horſes are famous. At Altona, trade is in a very flouriſhing condition, and the exports of all kinds daily increaſing.		Births (1780) - 10,479 Deaths - - 8355 Marriages - 2825 (*Gottingen Mag.*) Cities - - 14 Small Towns - 18 Villages - - 2500 (*Buſching.*)	*Principal Cities.*		
			Gluckſtadt	—	—
			Rendſburg	600	3000
			Kiel 54° 21′	800	4500
		Taxes paid by Altona, 18,000 dol.	Altona	3150	24,500
XLII.					
Dominions of the KING of SWEDEN in Germany.					
1. Part of Pomerania.	90	100,550 (1781, without the Military.)	1117		
The country is level, and in ſome parts the ſoil is ſandy. There are ſome foreſts, and turf for fuel. The lakes are numerous and large. Large quantities of corn, and other commercial articles, are exported from Stralſund, where there are many wealthy merchants.		Births (1781) - 3454 Deaths - - 2205 Cities - - 14 Pariſhes - - 100 Eſtates, Villages, and Farms 1080			(1781)
			Stralſund	1200	10,840
			Greifswald 50° 6′ 4″	—	4970
			Wolgaſt	—	3228
			Barth	—	3239
			Grimmen	—	1172
			Tribſees	—	1033
			Loitz	—	1127
			Damgarten	—	580
			Loſſahn	—	938
			Franzburg	—	397
		Revenue from Pomerania and Wiſmar - 249,000 dol.	Bergen in the Iſland of Rugen	—	1402
		Expended in Pomerania - 199,000 — (*Buſching.*)			(*Reichenbach.*)
2. Diſtrict of Wiſmar.	—	Bailiwicks - - 2 Villages - - 32	Wiſmar 53° 55′	1000	6000 (*Thanas.*)

Countries.	*Square Miles.*	*Population.*	
In the Circle of SWABIA.			
1. Augſburg - 48° 23′ 35″	—	. . . . .	This was formerly one of the moſt diſtinguiſhed cities in Germany, and has long been celebrated for the great number of its artiſts in tin and ſilver. Its trade is conſiderable. The Magiſtracy conſiſts of forty-five perſons; thirty-one of whom are Patricians, four ſuch as have married Patricians daughters, five merchants, and five of the commonalty.
		Villages belonging to the City - - 1	
		Clergy (1782) - 517	
		Houſes in the City - 5000	
		Inhabitants - . - 32,500	
2. Ulm - -	17	. . . . .	Ulm has a great trade in wine, linen, and other commercial articles, which are exported conveniently by means of the Danube.
		Inhabitants in the City - - 15,000	
		Houſes - - 2000	
		Town in the Territory - - 1	
3. Hall - -	6	. . . . .	The inhabitants of this place are chiefly ſalt-boilers and handicraftsmen. The ſalt-works are very famous.
		Scattered Places - 59	
		In the Circle of Franconia - - 99	
		Inhabitants in the City 6000	
		Burghers - - 1500	
4. Reutlingen -	$\frac{2}{3}$	. . . . .	
		Inhabitants in the City 8000	
		Parochial Villages belonging to it - 4	
		Hamlet - - 1	
5. Nordlingen -	1	. . . . .	
		In the City -	
		Houſes - - 750	
		Inhabitants - - 8000	
6. Heilbron -	1	. . . . .	Heilbron is well built, and has a conſiderable trade in the wines of the Neckar.
		Houſes - - 1000	
		Inhabitants - - 8000	
		Adjacent parochial Villages - - 4	
	$1\frac{1}{2}$	A Commandery of the Teutonic Order	
7. Rothweil -		. . . . .	In this place the Emperor has a Tribunal, which extends its juriſdiction over the Circles of Swabia, Franconia, and the Rhine.
8. Gemünd -	3	. . . . .	
		Parochial Villages - 13	
9. Memmingen -	2	. . . . .	A good trade with Swiſſerland and Italy, in ſalt, linen, hops, grain, &c.
		Scattered Places belonging to the City 21	
		Inhabitants in the City 7000	
		Houſes - - 1200	
		Burghers - - 1800	

Countries.	*Square Miles.*	*Population.*	
10. Kempten -	—	No Villages, but many Eſtates, and a conſiderable annual revenue ariſing from rentals, the intereſt of money, &c. Houſes in the City - 420 Inhabitants (1783) - 3650	
11. Kaufbeuren -	1¼	Houſes - - 470 Inhabitants - - 5400 Parochial Villages belonging to the City 5	
12. Ravenſburg -	2½	Houſes - - 700 Inhabitants - - 3500 (*Gerken.*)	
13. Biberach -	2	Houſes - - 800 Inhabitants - - 6000 Burghers - - 900 (*Ibid.*)	
14. Lindau - -	—	Houſes - - 700 (*Ibid.*)	This city is ſituated on an iſland in the Lake of Conſtanz, and from that circumſtance has been called the Venice of Swabia.
15. Weil - -	—	Inhabitants - - 1500 (*Schlözer.*)	
In the Circle of BAVARIA.			
16. Ratiſbon - - 48° 59′	Only a few Iſlands on the Danube	Houſes, more than - 2000 Inhabitants - - 21,500 without the four religious Foundations (*Nicolai and Gerken.*)	The Diet brings a great deal of money to this place, and its trade to Vienna in corn, wood, and all ſorts of proviſions, is very conſiderable.
In the Circles of the UPPER and LOWER RHINE			
17. Worms - -	2 in circumference	Houſes - - 800 Inhabitants - - 6500	
18. Spire - -	no Territory	Inhabitants - - 7000 (*Bernoulli.*)	
19. Frankfort on the Mayn - - 50° 6′	6½	Different Places in the Territory - - 43 Revenue - 60c,000 Fl. (*Riſbeck.*) Houſes in the City - 3000 Inhabitants - - 36,000 Jews - - 7000 (*Buſching and Riſbeck.*)	The convenient ſituation of Frankfort, and the two celebrated fairs annually held here, render it one of the principal places in all Germany. The manufactures of ſilk, tobacco, porcelain, &c. are very conſiderable. There are many noble families here.

Countries.	*Square Miles.*	*Population.*	
20. Wetzlar -	—	Houſes in the City - 700 Inhabitants - 8000	This town has no trade, but is entirely ſupported by the lawyers who are employed in the Imperial Chamber.
In the Circle of FRANCONIA.			
21. Nurenberg - 49° 27′ 17″	30	50,000 (including the City.) Houſes in the City - 8000 Inhabitants - 29,000 Towns in the adjacent Territory - - 7 Small Towns - - 7 Other Places, about - 70 (*Nicolai.*) Revenue, 20,000,000 Florins. (*Buſching* and *Gerken.*)	A very flouriſhing city. The arts of painting and engraving are particularly encouraged; and the number of mechanics employed in making toys, &c. of ivory and wood, which are ſent to France and England, and known here by the name of Dutch toys, is prodigious. The Senators conſiſt of thirty-four patricians and eight of the commonalty.
22. Rothenburg -	5	Places belonging to the City 28 Houſes within the walls 1200 Inhabitants - - 8000	
23. Schweinfurth -	1½	Villages belonging to the City, 3	
24. Windſheim - -	Near two Miles in circumference.	Houſes in the City - 750 Inhabitants - - 4500 Villages - - 4 1 Divided Village, and 1 Hamlet	
In the Circle of WESTPHALIA.			
25. Cologne - - 50° 55′	No Territory.	Houſes - - 8000 Inhabitants - 40,000 Burghers - 6000 Clergy - - 2500 Collegiate and Pariſh Churches - - 29 Monaſteries - - 19 Nunneries - - 38	Cologne has a great trade with Holland in Rheniſh wines, &c.

Countries.	*Square Miles.*	*Population.*	
26. Aix-la-Chapelle	3½ in circumference.	Villages in the Territory 18 Acres of arable and meadow land - 20,000 Houſes in the City - 3000 Inhabitants - 25,000	The mineral waters here are very much frequented; and there are manufactures of cloth, copper, and braſs, which render the city very flouriſhing.
27. Dortmund -	—	Houſes in the City - 1200 Inhabitants - - 4000	
In the Circle of Lower Saxony.			
28. Mühlhauſen -	4	In the whole Territory 13,000 (1776) Villages - - 21 Inhabitants in the City 8000 (*Schlözer.*)	
29. Nordhauſen -	1½	Houſes in the City - 1500 Inhabitants - - 9000	At Nordhauſen the inhabitants ſupport themſelves chiefly by diſtilling brandy, and brewing.
30 Goſlar - -	—	Inhabitants in the City 8500 (Probable Calculation.)	The inhabitants chiefly derive their ſubſiſtence from the the Ramelſberg mines in the Hartz foreſt, and ſupplying the Brunſwick mine-towns with proviſions.
31. Bremen - -	3	Houſes in the City - 5350 Inhabitants - - 40,000 (*Buſching.*)	Bremen is ſtill one of the Hanſe towns, and very flouriſhing. The importation of the various manufactures of England and France is very great.

Countries.	*Square Miles.*	*Population.*	
32. Lubeck - - 53° 50′ 21″	3½	Inhabitants in the City, 30,000	A Hanſe town, with many manufactories and a very flouriſhing trade.
33. Hamburg - - 53° 36′	2	Houſes in the City - 17,800 Inhabitants - 100,000 Catholics and Menonites 2000 Jews - - 4000	This is a Hanſe town, and one of the moſt flouriſhing commercial places in Europe. It is of ſuch conſequence, that many foreign Powers have reſidents there. The Engliſh Company has particular privileges, and a very extenſive trade. Every branch of commerce is encouraged. The regulations of the police are excellent; and the wealthy merchants ſupply almoſt all the northern parts of Germany with the commodities and luxuries of other countries.
Territories belonging to Hamburg and Lubeck in common -	2½	Births (1785) - 3003 Deaths - - 3127 Marriages - - 951 Communicants - 62,457 N. B. Among the Births, the Calviniſts, Catholics and Jews, are not reckoned. The Revenues amount to near 3 Millions of Marks.	

N. B. Beſides the above territories and Imperial cities, which are the moſt diſtinguiſhed, there are innumerable independent Seigniories, Imperial cities, and eſtates of the Free Nobility.—For a particular account of which, the reader is referred to *Buſching's Geography*, and a valuable work lately publiſhed on that ſubject by Profeſſor *Grellman* of Gottingen.

THE END.

ERRATA.

VOLUME I.

Preface, Page 12, Note, line 5, *for* Hertſberg *read* Hertzberg.
5, *for* Everhard *read* Eberhard.
14, *for* Höltz *read* Hoelty.
Page 3, line 3, *for* Mechlenburg *read* Mecklenburg.
Page 6 and 7, Ibid. 37, Ibid.
Page 7, Note, *for* Hartſberg *read* Hertzberg.
Page 32, line 20, *for* Auſtria *read* Auſtraſia.
Page 35, line 9, *for* "there is ſtill leſs doubt that they had any pretenſions, &c." *read* "it "is certain that they had no pretenſions."
Page 153, Note, *for* GEFURSTETEGRASSCHAFT *read* GEFURSTETEGRAFSCHAFT.
Page 197, line 19, *for* than in, *read* from that in.
Page 487, line 2, *for* "Though it was more mechanical and ſuperficial than with genuine "taſte, &c." *read* "than conſiſtent with genuine taſte, &c."
Page 492, line 4, *for* "allowed the Jeſuits individually to have no idea of wealth," *read* "not "to have any idea of wealth."

VOLUME II.

Page 7, line 8, Note, for *mariata* read *maritata*.
Page 29, line 9, *for* Imperial *read* Supreme.
Page 189, line 22, *for* Pallium-money *(ſervitium)*, and other pecuniary aids, *read* Pallium-money, and *(ſervitium)* other pecuniary aids.
Page 402, line 20, *for* Clement II. *read* Clement XI.

VOLUME III.

Page 33, line 10, *for* envaſion *read* invaſion.
Page 221, line 20, *for* Burgan *read* Burgau.
Page 224, Note, *for* M. de Kertzberg *read* Hertzberg.

GENERAL

INDEX.

N. B. The Roman Numerals direct to the Volume, and the Figures to the Page.

A

Aix la Chapelle, Religious disturbances there, ii. 22.

——— Treaty of Peace concluded there, iii. 41. Its consequences with respect to the connection of France and Austria, iii. 67.

Absolutions, Ordinances concerning them by Pope Martin V. i. 328. their real nature, and the reform they occasioned in the Church, i. 317. the abuse of them encouraged by the Jesuits, ii. 5.

Adolphus, of Nassau, i. 247.

Albert I. Emperor, i. 248. II. i. 335.

Alemanni, conquered by the Franks, i. 28.

Alfonso, of Castile, i. 246.

Alterkirchen, devolves to Anspach, and on the extinction of that House will come into the possession of the House of Hanover, iii. 34.

Ambassadors, of the first rank, sent by the Electors, ii. 199. to the Diet, ii. 280. to the Congress at Nimeguen, ii. 304.

Advocates, or Protectors of Ecclesiastical foundations, iii. 287. of Imperial cities, iii. 288.

Amnesty, in the Peace of Westphalia, ii. 68.

Anhalt-Zerbst. That House obtains Jever, ii. 347.

Annates, demanded by Pope Martin V. i. 318. granted by the Emperor Frederick III. i. 328. still customary in Germany, ii. 189. and in France ii. 191.

Agents, in the Aulic Council, iii. 229.

Anspach and *Baireuth*, to be united with the Electorate of Brandenburg, iii. 209.

Anthony Ulric, Duke of Saxe-Meinungen, his unequal marriage, iii. 28. his law-suit respecting Madame de Gleichen, iii. 57.

Appeals, from the judicial sentences of the Electors, forbidden in the Golden Bull, i. 290.

Appeal, privilege of, unlimited or confined to certain sums, ii. 237, unlimited with respect to Electors, i. 238, 290. for the Swedish territories in Germany, ii. 64. for the Austrian territories, ii. 237. for Wurtenberg, ii. 237. for Hesse-Cassel, iii 37. for Mecklenburg, iii. 206. Sum fixed with respect to the Imperial Chamber, iii. 255.

Archives, of the Imperial Court, iii. 45.

Arduin, of Ivrea, i. 144.

Arelatic Empire, i. 104.

Arians, the Visegothic, conquered by the Franks, i. 29.

Aristocratical form of government of the Ecclesiastical territories during a vacancy of See, ii. 184.

Arnulph, i. 109.

Asch, Seigniory of, made subject to Bohemia, iii. 321.

Assessors of the Imperial Chamber, their salary increased, ii. 447. their number, ii. 450. increased to twenty-five, ii. 452.

Association of the anterior Circles, origin of it, ii. 314. revived in the war of the Spanish succession, ii. 398, decree concerning it in the reign of Francis, iii. 43.

Audience, may be demanded of the Emperor by the States, iii. 229.

Augsburg, an Imperial city of the mixed religion, ii. 81.

——— Bishoprick of, its claims upon Bavaria, iii. 210.

——— Confession, i. 439.

Augustine Monks, i. 228.

Anabaptists,

Anabaptists, the disorders they occasion at Munster, i. 448.
Assignments, not to be made upon the States in time of war, iii. 184.
Austregues, court of, its origin, i. 243. reserved, and regulations made concerning it, in the statutes of the chamber, i. 361. complaints concerning it, iii. 176.
Austrasia, distinguished from Neustrasia, i. 32.
Avignon, the Pope removes thither, i. 320.
Archbishops, the first in Germany, i. 22.
Arch-offices, their first appeance, i. 126. in the reign of Frederick I. i. 202. settled by the Golden Bull, i. 284.
Arch-chancellor, office of, its origin, i. 155.
Arch-standard-bearer, office of, protested against by Wurtenberg, ii. 357.
Arch-treasurer, office of, its origin, ii. 162.
Arch-master of the Horse, commotions concerning that office, ii. 427.
Arch-sewer, i. 284.
Arch-cup-bearer, i. 284.
Administration of the cup in the sacrament, i. 225.
Administration of justice, regulations concerning it in the reigns of Albert I. and Frederick III. i. 339. in the territories of the States, i. 366.
Adrian VI. Emperor, i. 419.
Abuses, in the Church, i. 389.
——— among the lower orders of tradesmen. ii. 130. Decree of the Empire concerning them, ii. 484. abolition of Blue Monday, ii. 130.
Army, standing, its origin, ii. 297. foreign armies not admitted in Germany, iii. 97.
Aulic Council, not derived from the ancient Aulic Courts of Judicature, i. 241. its origin, i. 357. dispute concerning its concurrent jurisdiction with the Chamber, decided by the Peace of Westphalia, ii. 104. takes cognizance of all affairs relative to whole principalities, ii. 119. directed to adopt the statutes of the Chamber, ii. 228. alterations in the reigns of Charles VII. and Francis I. iii. 46. claims an exclusive jurisdiction, iii 179. ordinances respecting it by Joseph II. iii. 137. its present constitution, iii. 226.

Auſtria, how that country came into the poſſeſſion of the Houſe of Habſburg, i. 249. Archducal title, and ſeat on the bench of the Eccleſiaſtical Princes, i. 340. diſpute concerning the ſucceſſion in the reign of Rudolphus II. ii. 34. origin of its ſtanding army, ii. 298. diſpute concerning the ſucceſſion on the death of Charles VI. iii. 8. circumſtances changed with reſpect to France after the Peace of Aix la Chapelle, iii. 67. changes in the ſtate of the church there, iii. 216. Equality with the Electors required, iii. 219.

Abuſive writings, ordinance againſt them by the Emperor, ii. 417.

Arms, begin to be hereditary, i. 190.

B.

Ban, ſentence of, pronounced either by the States of the Empire in general, or the Emperor, i. 206. againſt Henry the Proud, i. 207. and Henry the Lyon, i. 209. againſt the Duke of Wurtenberg, and Biſhop of Hildenſheim, in the reign of Charles V. i. 398. againſt the cities of Conſtance, and Magdeburg, i. 454. the Duke John Frederick of Saxe-Gotha, ii. 10. the city of Donawerth, ii. 26. Frederick V. Elector Palatine, ii. 41. Ordinance concerning it in the Peace of Weſtphalia, and an agreement in 1711, ii. 121. publiſhed againſt the Electors of Cologne and Bavaria, and the Duke of Mantua, ii. 405. in agitation againſt the King of Pruſſia, iii. 110. but not enforced, iii. 111.

Baden, origin of the Houſe of, i. 193. changes its religion, ii. 3.

——— Peace of, ii. 411. its effects, ib.

Bavaria, its original connection with the Germanic Empire, i. 32. in the reign of Charlemagne, i. 58. in the reign of Lewis the Pious, i. 82. Henry I. i. 113. Otho the Great, i. 139. granted to the Houſe of Wittelſbach, i. 218. conditions of the renunciation made by the Guelphic family, i. 219. original connection with the Electoral dignity, i. 262. contents of the Golden Bull, in oppoſition to the Electoral title of Bavaria, i. 274. the Palatine Electorate mentioned there, ii. 40. family compact of union with the Palatinate, iii. 3. extinction of the houſe,

houſe, iii. 198. diſpute concerning the ſucceſſion, iii. 198. late attempt to exchange it for the Netherlands, iii. 322.

Bavaria, circle of, reckoned as Catholic, though there are ſeveral Proteſtant States, ii. 99. its quota to the army of the Empire, ii. 313.

Bamberg, Biſhoprick of, its origin, i. 145.

Baruch, the Jew, his action againſt Paderborn, iii. 196.

Baſil, Biſhop of, his league to compel the Proteſtant ſubjects to embrace the Catholic religion, iii. 260. council of, i. 332. decrees of council held there, firſt accepted in Germany in 1763, brought into debate again, iii. 192.

Belliſle, the French Miniſter, iii. 15.

Benedict XII. Pope, i. 266.

Benedictine order of Monks, its origin, and eſtabliſhment in Germany, i. 47.

Bible tranſlated by Luther, i. 406.

Birkenfild, line of, included in the Family Compact of Bavaria and the Palatinate, iii. 205.

Beſançon, ceded to Spain for Frankenthall, ii. 163, 306.

——— Archbiſhop of, under the ſovereignty of France, but ſtill a Prince of the Empire, ii. 306.

Biſhops, origin of their prerogatives, i. 19. in the Frankiſh Monarchy, i. 36. their connection with Rome eſtabliſhed by oath, i. 45. The relation they ſtood in to the ſtate at the time of the Merovingian race, i. 48. in the reign of Charlemagne, i. 76. after the extinction of the Carlovingian race, i. 111. in the Venedic territories, i. 131. their prerogatives in the reign of the Othos, i. 133. their appointment by the Emperors, i. 156. their inveſtiture with the Ring and Croſier, i. 136. the right attacked by Gregory VII. i. 159. loſt in the reign of Henry V. i. 172. Proteſtant Biſhops, i. 477.

——— Election of, regulated in the reign of Henry V. i. 172.

Biſhopricks, on the Rhine and Danube, i. 18. in the interior parts of Germany, particularly in Bavaria, i. 44. in Saxony, i. 68. Proteſtant Biſhopricks, ii. 76. more than one held by the ſame perſon, iii. 292.

Bohemia, obliged to pay a tribute to Charlemagne, i. 69. obtains the electoral dignity, i. 262. devolves to the House of Luxenburg, i. 385. but without the Electoral Title, i. 268. The Electoral Title settled by the Golden Bull, i. 273. how it came into the possession of the House of Austria, i. 385. does not contribute to the army of the Empire, ii. 314. re-admitted among the Electorates, ii. 359. whether it is wholly independent on account of its royal Title? ii. 394. whether a female can possess the electoral vote? iii. 14, 40.

Boniface, Bishop, the founder of the Ecclesiastical government of Germany, i. 44.

Boniface VIII. Pope, i. 264.

Borié, the Austrian Directorial Envoy, iii. 167.

Brabant, separated from the House of Hesse, i. 250.

Brandenburg, universal right of primogeniture in that House, but with exception of Anspach and Baireuth, i. 281. the Elector Frederick William, ii. 52. indemnification in the Peace of Westphalia, ii. 64. Bishoprick, and the chapter under the sovereignty of the Elector of Brandenburg, ii. 77. commencement of its standing army, ii. 297.

Brunswick-Lunenburg, origin of the Ducal Title, i. 220. indemnification of this House in the Peace of Westphalia, ii. 65. origin of its standing army ii 229.

Brunswick, city of, obliged to do homage to the Duke, ii. 295.

Bremen and *Verden*, secularized in favour of Sweden, ii. 63. vote in the College of Princes, ii. 265. comes into the possession of the House of Hanover, ii. 476.

Bremen, city of, retains its immediacy, ii. 295.

Breslau, peace of, iii. 33.

Books, privilege of printing, granted either by the Emperor or the States in their own territories, iii. 28.

—— inspection of, i. 345.

Burgau, Margraviate of, infringement of its rights of sovereignty, iii. 221.

Burgundy, Ducal House of, its origin, i. 310. the territories of this House come into the possession of the House of Austria, i. 341.

Burgundy, county of, ceded to France, ii. 306.
——— kingdom of, i. 103, 109. united with Germany, i. 151.
——— circle of, convention concerning it in the reign of Charles V. i. 511. the loſs of it to the united Netherlands, ii. 58.
Bailywicks, diviſion of the territories of the Imperial States, i. 371.
Broken Leg Tax, ii. 293.
Burghers, diſtinct claſs of people, their origin. i. 118.
Boundary of the Germanic Empire, on the ſide of Sleſwic, i. 70, 122, 153. on the ſide of France, i. 84, 151. Hungary, i. 155. Treaties concerning the boundaries between France and certain States of the Empire, iii. 284.
Benefices, diſpoſal of them uſurped by the Pope, i. 317.
Bruiſers, ſociety of, i. 294.

C.

Caſtles, on the mountains, their origin, i. 89.
Cadan, peace of, i. 447.
Calendar, Gregorian, diſpute concerning it, ii. 24. aboliſhed, ii. 386.
Calixtines, i. 332.
Camin, ſecularized in favour of Brandenburg, ii. 64.
Chamber, Imperial, eſtabliſhed in the reign of Maximilian I. i. 350. its maintenance, i. 555. viſitation, i. 501. its diſtinction from the former Courts of Judicature, i. 241. diſpute concerning the concurrent juriſdiction of the Aulic Council, ii. 27. religious equality by virtue of the Peace of Weſtphalia, ii. 98. ſtate of it ſince the Peace of Weſtphalia, ii. 232. its fate in 1689, ii. 444. its uncertain ſtate during the conteſt concerning the Rheniſh Vicariate, iii. 5. Decree of the Empire concerning it, in 1775, iii. 152. its execution, 3. 168. whether the votes and protocols can be demanded at Vienna, iii. 180. its preſent ſtate, iii. 242.
——— aſſeſſors of, i. 350. their preſentation, i. 352, number of aſſeſſors increaſed to 25, iii. 173.

Chamber, Chancery of, religious proportion obſerved there, ii. 102.

——— direction of it, ſettled by the laſt Decrees of the Empire, iii. 174.

——— Statutes, original plan of them, i. 339. completed in the reign of Maximilian I. i. 351. renewed by Charles V. i. 499. plan for the reformation of the Statutes, ii. 33. reviſion of them, iii. 152. to be obſerved likewiſe by the Aulic Council, ii. 228.

——— preſentations, new regulations concerning them, iii. 169.

——— Preſident, ii. 100. his precedency in the Senates, iii. 174.

——— ſenates of, regulations concerning them, iii. 169.

——— annual viſitation of it, i. 501. the laſt in the reign of Joſeph II. iii. 144. diſſolved, iii. 161. reſtoration of it a deſirable object, iii. 175. Judge of, his neceſſary qualifications, i. 350. according to the Treaty of Prague they ought to be of Proteſtant and Catholic alternately, ii. 101. but ſince the Peace of Weſtphalia the Emperor has only nominated a Catholic one, ii. 102. whether he has a right to a deciſive vote? ii. 115. his directorial rights more accurately fixed by the laſt Decrees of the Empire, iii. 174.

——— Terms of, ii. 233. increaſe of them in 1719, iii. 449. raiſed again one fourth, iii. 168.

Canon, fired on the arrival of electors and Imperial commiſſaries, iii. 118.

Chancellor, office of, in the name of the Merovingian race, i. 36.

Chancery, officers in the Imperial Chamber, their equality in point of religion required in vain, ii. 102.

Capitulars of the Frankiſh kings, i. 70.

Cardinals, their origin, i. 160. they ought only to be 14 in number, i. 328.

Charlemagne, i. 54.

Charles, the Groſs, i. 106.

——— the Simple, i. 105.

——— IV. Emperor, i. 269.

——— V. i. 395.

Charles VI. ii. 408.
——— VII. iii. 17.
——— Martel, i. 42.
Carlſtadt, Dr. Andrew, i. 417.
Carmelites, i. 229.
Carthuſians, i. 180.
Catechiſm of Heidelberg, the intended ſuppreſſion of it, ii. 419.
Catholics, their diſputes with the Proteſtants adjuſted by the Peace of Weſtphalia, ii. 75.
Cruelties of the French army, ii. 326.
Ceremonies obſerved among the electors, ii. 202. diſputes concerning the precedency claimed by Royal Envoys at the Diet, ii. 392. diſputes of the Electoral Envoys with thoſe of the Princes, ii. 280. diſputes concerning ceremony at the Diet, iii. 59.
Charitable ſubſidies of the Free Nobility, i. 509.
Chemnitz, Bogiſlaus Philip, author of the *Hippol. a Lapide*, ii. 49.
Childeric III. depoſed, i. 51.
Clovis, founder of the Frankiſh monarchy, i. 26. His converſion, i. 29.
Chriſtian religion, firſt ſpread in Germany, i. 18. further diffuſed in the reign of Clovis, i. 30. by Charles Martel, i. 43. its ſtate when it was firſt introduced in the interior parts of Germany, i. 45. how introduced in Saxony, i. 68.
College, electoral, its religious equality at the time of the Religious Peace, i. 482. Collegiate aſſemblies at the election of the Emperors and Kings of the Romans, iii. 257.
Ciſtercian order of monks, i. 180.
Clement V. Pope, i. 265.
——— VI. Pope, i. 269.
——— XI. Pope, his diſpute with Joſeph I. ii. 402.
Clugny, new monaſtic diſcipline there, i. 180.
Coblenz, grievances complained of there in 1769 againſt the See of Rome, iii. 192.
——— Treaty of, i. 95.
Coburg, a particular Line of the Ducal Houſe of Saxony, ii. 353.
Celibacy of the Clergy, i. 161.

Cologne, reformation began in that Archbiſhoprick under the Elector Herman, i. 450. the Elector Gebhard Truckſetz changes his religion, ii. 22.

Command of the army of the Empire, iii. 108.

Commiſſorial Decree of the Emperor, ii. 283.

Compenſation for the impoſts of the Empire not allowed, iii. 105.

Compenſations, negociations concerning them in the Peace of Weſtphalia, ii. 62.

Concommiſſary, Imperial, at the Diet, ii. 283.

Concordate concerning Epiſcopal elections between Henry V. and Pope Calixtus II. i. 171.

——— of Pope Martin V. i. 327.

——— at Frankfort, i. 337. at Aſchaffenburg firſt placed in its proper light, iii. 191.

Concordate, affairs concerning it, whether they come ſolely under the cogniſance of the Aulic Council, iii. 180.

CONCORDIENBUCH, ii. 18.

Concurrence of the Emperor's juriſdiction with that of the States aboliſhed, i. 372.

——— in ſome reſpects ſtill ſubſiſting between Imperial and territorial rights, iii. 280.

Confiſcations in the thirty years war, agreements reſpecting them in the Peace of Weſtphalia, ii. 69.

Congreſs at Augſburg, in agitation, iii. 113.

Conrad I. i. 111.

——— II. i. 147.

Conradin, beheaded, i. 252.

Confeſſories, Proteſtant, i. 469. ii. 464.

Conſtantine the Great, effects of his converſion, i. 17.

Contingents to the wars of the Empire, paid by ſome Circles even in time of peace, ii. 339. confuſion occaſioned by the contingents in the army of the Empire, iii. 100.

Convention coinage, iii. 70.

Conſtance, city of, put to the Ban of the Empire, i. 454.

——— Peace of, with the towns of Lombardy, i. 224.

——— Council of, i. 325.

Credentials at the Diet, ii. 286.

Criminal profecution againſt reigning States of the Empire, iii. 245.

Courts of the Electors, ii. 202. and Princes, ii 203.

Collegiate votes at the Diet, i. 395. how delivered at preſent ii. 269. their religion, ii. 380.

Chapters, their origin and rights, i. 176. their ſhare in the government of eccleſiaſtical territories, ii. 183. they often poſſeſs eſtates with extraordinary privileges, iii. 304.

—— Proteſtant, ii. 76.

Canons, their origin and hiſtory, i. 176.

Chamberlains at the Courts of the Electors and Princes, iii. 202.

Citation from the dominions of the electors forbidden by the Golden Bull, i. 290.

—— exemption from, i. 372.

Cantons, Germany no longer divided into them, moſt of them converted into counties, i. 187

Counter reformation of the Catholics againſt the Proteſtants, ii. 21. by Tilly, ii. 41. in the Biſhoprick of Baſil, iii. 269.

Clergy, whether they are capable of ſucceſſion in ſecular Electorates and Principalities, i. 279.

Courts of Judicature, their conſtitution in the middle ages, i. 207.

Code of Laws Roman and Papal, i. 203. Juſtinian, their general adoption, 374.

Count, original meaning of the word, i. 9. at the time of the Frankiſh Monarchy, i. 35. their hereditary Titles and family names, i. 186. collegiate votes, ii. 269. right of ſending Ambaſſadors, iii. 62. the part they take in the Deputations of the Empire, iii. 154.

Colleges of the Counts of Franconia and Weſtphalia, their religious quality, iii. 157. Diet of the Counts, iii. 257.

Counties, hereditary, i. 187.

Court offices during the reign of the Merovingian Kings, i. 36.

—— reſidence in the time of the Frankiſh Kings, i. 37.

Carinthia, how acquired by the Houſe of Auſtria, i. 249.

Coronation of the Emperor at Aix la Chapelle, i. 125. diſpute concerning it between Mentz, Treves, and Cologne, i. 125. adjuſted, ii. 275.

Coronation of the Empreſs, iii. 40.

Church, principles of its unity, i. 20.

Convents, their degeneracy, i. 180. reformed by the Proteſtants, i. 428. ordinances concerning them in the Religious Peace, i. 474.

Circles, diviſion of the Empire into ten, i. 354. their contingents to the army of the Empire, ii. 312. their aſſociation, ii. 314, 398. Colonels of the Circles, election of them neglected after the laſt receſs, ii. 239.

——— decrees of, their obligatory power over individual States, iii. 300.

——— conſtitution of in the reign of Charles V. i. 502. improved after the affair of Grumbach, ii. 10. the influence they may have at preſent in the government of particular territories, iii. 268. Diets of them in the reign of Charles V. i. 504. their preſent ſtate, iii. 258.

Cruſades, i. 167.

Crook, good living under it, ii. 192.

Countries, ſeveral under one ſovereign, iii. 295.

——— the ſovereigns of which are not reſident, iii. 292.

Co-regency, in Bohemia, of the huſband of Maria Thereſia, iii. 14.

Coinage, proportion of gold and ſilver, iii. 70. Convention ſtandard, iii. 71.

——— Statutes of in the reign of Charles V. i. 510.

——— right of, granted by the Emperor alone, iii. 273.

——— laws of the Empire concerning it, ii. 484.

Calviniſts, their ſeparation from the Lutherans, ii. 18.

——— included among the adherents to the Confeſſion of Augſburg, ii. 73. their diſputes with the Lutherans adjuſted, ii. 73. regulations concerning their public worſhip in Lutheran countries, and *vice verſa*, ii. 241.

Caſtles, the Counts and Lords derive their hereditary names from them, i. 187.

Cities, built in Germany by the Romans, i. 10. in the reign of Henry I, i. 114. their decline in the war of thirty years, ii. 216.

Combat, ſingle, diſputed points determined by it inſtead of law, i. 140.

Capitulation, at the election of an Emperor, its origin, iii. 395. renewed at the accession of a King of the Romans to the government, ii. 2. dispute concerning that of the Emperor Matthias, ii. 36. sworn to, at every election, iii. 119.

——— perpetual, negotiations concerning it, ii. 127. rejected, ii. 277. agreed to, ii. 404.

——— of the Bishops at their election, ii. 182.

Constitution of Germany in general, i. 1. its infancy, i. 2. a compound body of States, i. 239. Changed by the Peace of Westphalia, ii. 165. its present state, iii. 225. its advantages, iii. 308.

Constitution of the particular States, ii. 176.

Combinations, not allowed in the middle ages, i. 294.

Chairs, at Ratisbon, disputes whether they should be green or red, ii. 280.

Council of regency in the reign of Maximilian, i. 354, and Charles V. i. 397.

D

Dessau, league of, against the Protestants, i. 432.

Dierstorf, monastery erected there, iii. 84.

Diocesan rights over the Protestants abolished, ii. 78.

Dictature at the diet, dispute concerning its refusal, iii. 93.

Direction of the Protestant body, ii. 256. negociations concerning it after the change of religion of the Elector of Saxony, ii. 384.

Dominicalsteuer, a tax in Austria, iii. 221.

Dominicans, order of monks, i. 226.

Danube, attempt to unite that river with the Rhine, i. 58.

Donawerth, city of, dispute concerning its being put under the ban, ii. 26. its restoration referred by the Peace of Westphalia to the next Diet, ii. 71.

Dresden, Peace of, guaranteed by the Empire, iii. 42.

Definitive year, agreed upon in the Peace of Westphalia with respect to the public exercise of religion, ii. 244. a new one of the year 1714 attempted to be fixed in vain, ii. 422.

Duke, original signification of the word, i. 8. at the time of the

Frankish monarchy, i. 34. their decline in the reign of Charlemagne, and restoration in the reign of Lewis the German, i. 88. Their situation in the reign of Otho the Great, i. 126.

Dutchies, two united in one person, i. 142. attempt to prevent their becoming hereditary, i. 156. which was afterwards the case, i. 192.

Deuxponts oppose the Convention of the Palatinate with Austria, on account of the pretensions of that House to Lower Bavaria, iii. 200.

Division of the Frankish monarchy at the time of the Merovingians, i. 32. at the time of the Carlovingians, i. 91. at Verdun, i. 84.

——— even in Electoral Houses in favour of the collateral branches, i. 281.

Divisibility of the German Principalities, i. 194.

Deliberations of the Diet, very seldom in the concerns of the internal constitution of particular States, iii. 268.

Diet of the Empire, at the time of the Merovingians, i. 38. its constitution in the reign of Frederick III. i. 346. rights of it settled by the Peace of Westphalia, ii. 94. affairs referred to it from the supreme Tribunal, ii. 112, 226. made perpetual, ii. 278. its present constitution, iii. 239.

Descent, proof of, its origin and effects, i. 177.

Debitcommission Imperial, with respect to States involved in their finances, iii. 249.

Decrees of the Empire, how constituted, ii. 175. difficulty attending the execution of them in the affairs of the States, iii. 269.

Domains, Imperial, i. 298.

Deputation, of the Empire, ii. 134.

——— of the Protestants to procure a redress of religious grievances, iii. 184.

E

Elevation of rank, i. 301. right peculiar to the Emperor, iii. 271. how far it may remedy the evil consequences of an unequal marriage, iii. 25.

Excise, ii. 294.

Electorate, the eighth created in favour of the Palatinate, ii. 70.
——— the ninth, ii. 356.
——— of Brunſwick introduced, ii. 359.
Electors, firſt appearance of them, and occaſion of their appointment, i. 126. the ſtory of their being appointed by Pope Gregory V. groundleſs, i. 144. firſt inſtance of the word Elector being uſed, i. 202. real origin of the Electors prerogatives, i. 201. their number limited to ſeven, i. 261. affairs in which their concurrence is neceſſary, i. 260. more exactly ſettled in the Golden Bull, i. 273. their rank, i. 283. Prerogatives, i. 286. diſtinction paid to royalty, ii. 200. Precautions with reſpect to their future equality in point of religion, ii. 360. their particular conſent, when ſufficient without the concurrence of the other States, iii. 20. The full number nine complete at the election of Joſeph II, iii. 120. Complaints of the Eccleſiaſtical Electors againſt the See of Rome in 1769, at Coblenz, iii. 192.
Elective Empire, Germany becomes ſo gradually, i. 165. perfectly ſo, i. 200.
Electorate, order of ſucceſſion, ii. 342. there cannot be more than one in the hands of the ſame Prince, iii. 198.
Electoral Congreſs, iii. 255.
Envoys, comitial, ii. 279. their expences, ii. 289. decreaſe of their number, ii. 290.
——— of foreign Powers to the Diet, ii. 287. from the Emperor in the Empire, iii. 229.
——— right of ſending them to Congreſſes of Peace, ii. 310.
Eck, Dr. at Ingoldſtadt, i. 401.
Edict from the Emperor to enforce the articles of the Peace of Weſtphalia, ii. 157.
Eider, the boundary of the German Empire in the reign of Charlemagne, i. 70. extended in the reign of Henry I. i. 122. the antient boundary reſtored in the reign of Conrad II. ii. 154.
Eiſenach, devolves to the Houſe of Weimar, iii. 33.
Eiſenberg, formerly a line of the Dukes of Saxony, iii. 353.
Electio fori, condition of, for the Crown of Sweden, ii. 63. and the Houſe of Brunſwick-Lunenburg, ii. 65.

Erfurt,

Erfurt, made ſubject to Mentz, ii. 295.
Erneſt, the pious, of Saxe-Gotha, his ſons and ſucceſſors, ii. 353.
Erſken, John, Deputy from the Swediſh army, ii. 150.
Exarchy of Ravenna, i. 41. preſented to the Pope, ii. 52.
Excellency, title of, given to ambaſſadors, ii. 199.
Excommunication of the Emperor Henry IV. i. 162.
——— threatened againſt Joſeph I. ii. 403.
Execution of the ſentences of the Imperial Chamber, i. 353.
——— by means of an ambaſſador from the Emperor, conteſted by the Circles, ii. 346.
Emperor depoſed, inſtance of Adolphus of Naſſau, i. 248. of Wencelaus, i. 342.
Expence, increaſe of, in the Courts of Germany, ii. 197.
Envoys, ſent by the Counts, called Deputies, and not Ambaſſadors, iii. 62.
Elected, Biſhop, particular ſignification of that expreſſion, i. 173.
——— Roman Emperor, origin of the Title, i. 384.
Execution of the Peace of Weſtphalia, negociations concerning it, ii. 150.
——— Statutes of, i. 505. in the laſt Receſs, ii. 237.
Exemptions, diſpute concerning them, iii. 302.
Ex-Jeſuits, their Employment, iii. 194.
Eccleſiaſtical countries, their particular conſtitutions, ii. 181. ſeveral ſubject to one ſovereign, iii. 293.
——— reſervation, i. 481 diſpute concerning it at Cologne and Straſburg, ii. 22.
——— concerns of the Proteſtants not ſubject to the ſupreme Tribunals of the Empire, ii. 456.
Emperor, Title of introduced without any coronation at Rome, i. 384.
——— Election of, its origin, i. 200. how regulated by the Golden Bull, i. 285. opportunity afforded thereby for the Electoral College to aſſemble, beſides their meeting at the Diet, iii. 256.
Eccleſiaſtical Ban, threatened by Clement XI. againſt the Emperor Joſeph I. ii. 402.
——— territory of the Pope, origin of, i. 53.

Ecclesiastical government of Austria changed, iii. 194.
——— government of the Protestants, i. 421.
——— Councils, their origin, i. 18. at the time of the Merovingian race, i. 38. in the reign of Charlemagne, i. 75. at Pisa, i. 323. Constance, i. 325. Basil, i. 332. Trent, ii. 3.

F.

Fraternities, i. 78.
——— Monastic, ii. 5.
Fines paid on taking possession of a Fief of the Empire, iii. 236.
Febronius, Justinus, iii. 192.
Ferdinand I. King of the Romans, i. 446.
——— II. Emperor, ii. 36.
——— III. ——— ii. 47.
——— IV. ——— ii. 227.
Fortresses, taxes for the maintenance of such as are necessary, ii. 238.
——— negociations concerning them in the reign of Leopold, ii. 290.
Franconia, Counts of, their religion, iii. 382.
Frankish monarchy, its origin, i. 25. extension to Germany, i. 26. division of it, i. 32.
Franchecomté in the possession of France, ii. 306.
Franciscans, an order of monks, ii. 227.
Franks, i. 4. East and West, i. 28.
Franconia, Dutchy of, its extinction, i. 254. gives a title to Wurtzburg, i. 254.
Frankenthal, exchanged for Besançon, ii. 163.
——— destroyed in the war of thirty years, ii. 210.
Frankfort on the Main, tax paid by that city to the Emperor, ii. 225.
France and Germany, two independent Empires, i. 84. 102.
——— its original boundaries, i. 84. pretended claims of that Crown to Germany, i. 116. compensation obtained in the Peace of Westphalia, ii. 67. constitution of that country formerly similar to that of Germany, ii. 163. its situation with respect to Austria since the Peace of Aix la Chapelle, iii. 67. Treaty to settle the boundaries with the States of Germany, iii. 284.
Francis, the Emperor, iii. 44.

French language uſed in the late Treaties of Peace, iii. 212.
Females, whether they can be in poſſeſſion of an Electorate, iii. 14. or enjoy the government of a country, either as guardians, or heireſſes, iii. 296.
Friedburg, caſtle of, iii. 297.
Fueſſin, Peace of, iii. 39.
Fulda, foundation of the Abbey there, i. 50.
Family names, their origin, i. 186.
—— Compacts, i. 309.
—— devotion, ii. 79.
Faith, Proteſtant confeſſion of at Augſburg, i. 440.
Fairs eſtabliſhed by the territorial power of the States, iii. 274.
Feudal oaths, iii. 232.
Feudal ſyſtem, its origin, i. 35. it becomes general, i. 93.
Free Nobility or Knighthood, their origin, i. 254. their rights by virtue of the Peace of Weſtphalia, ii. 80. their Conſtitution confirmed, ii. 93. diſputes with the States, iii. 74. Wurtenburg appeals againſt them, iii. 76. relation of the Cantons and Circles to individuals, iii. 301. their territories more or leſs fortunate, according to the diſpoſition of the proprietor, iii. 307.
Frederick of Auſtria diſputes the election with Lewis of Bavaria, i. 267.
——— III. Emperor, i. 336.
——— *William*, the great Elector of Brandenburg, ii. 52.
——— II. King of Pruſſia, his acceſſion to the Throne, ii. 491. his patriotic conduct after the Peace of Dreſden, iii. 68. his oppoſition to the pretenſions of the Houſe of Auſtria to Bavaria, iii. 201. His death, iii. 223.

G.

Germany, a compound body of States, i. 1. ii. 168. conſidered by the Court of Ruſſia as the centre of the politics of Europe, iii. 202.
Government, alternative, i. 308. iii. 298. joint, iii. 298.
Grievances of the States mentioned in the Peace of Weſtphalia, ſpiritual, ii. 72. political, ii. 90.
Guarantee of the Peace of Weſtphalia, ii. 155. enforced at the beginning of the war of ſeven years, iii. 96.
Gaul, ſignification of the word, i. 8. Germany no longer divided into Gaue, but moſtly into counties, ii. 186.

Gebhard, Truchſeſs, Elector of Cologne, ii. 22.
General, Major of the horſe and foot, diſpute concerning the office, upon which the Catholics have recourſe to the *jus eundi in partes*, ii. 302.
George Duke of Saxony, an enemy to the reformation, ii. 435.
Glaſener, a clergyman at Hildeſheim, ſuperſeded, ii. 471.
Gleichen, appeal to the Diet in a lawſuit in the Chamber, reſpecting a lady of that name, iii. 56.
Gottingen, decline of that city in the war of thirty years, ii. 210. ſtate of it before and after the Peace of Weſtphalia, ii. 217 Univerſity there, iii. 274.
Golden Bull, i. 271.
Gotha, Duke, John Frederick, put to the Ban, ii. 10. diviſion of that Houſe into ſeveral branches, ii. 353. right of primogeniture introduced, ii. 352.
Gratian's collection of Eccleſiaſtical laws, i. 203.
Grauman, inventor of a new ſtandard for the coinage, iii. 69.
Gregory the Great, Biſhop of Rome, i. 44.
Gregory VII. Pope, i. 159.
Grumbach, affair of, with Wurtzberg and Gotha, ii. 10.
Gunther of Schwarzburg, Emperor, i. 269.
Guſtavus Adolphus, King of Sweden, ii. 43.
Guardianſhip of an Emperor entruſted to the mother or grandmother, i. 143, 160.
———— of infant electors, i. 282.
Guardians poſſeſs the government, iii. 295.

H.

Hoſtilities, private, or Fauſtrecht. i. 91. declared allowable, after three days notice, by Frederick III. i. 336.
———— reſerved in the Golden Bull, i. 291. aboliſhed in the Public Peace, i. 348. difficulty to aboliſh the cuſtom among the Nobles, i. 377.
Hereditary juriſdiction of the nobility, i. 371.
———— Arch Offices of the Biſhop of Bamberg, i. 146.
———— dominions of the Emperor, their neceſſity, i. 300.
———— ſtate of religion in them by virtue of the Peace of Weſtphalia,

phalia, ii. 80. their relation to the affairs of the Empire, iii. 228.

Healths, the cuſtom of drinking them, occaſions a diſpute at the Diet, ii. 285.

Halberſtadt, ſecularized in favor of Brandenburg, ii. 64.

Hamburg, foundation of that city, i. 57. Archbiſhoprick there, i. 69.

Hanau, change of religion in favour of Lutheraniſm, ii. 74.

—— devolves to Heſſe-Caſſel, iii. 36.

Hanover, origin of the military eſtabliſhment of that Houſe, ii. 299. acquires Lauenburg, ii. 350. made an electorate, ii. 356. has Altenkirchen in reverſion, iii. 34.

Hanſe, origin of the league, i. 257. its decline, ii. 207. though mentioned in the Peace of Weſtphalia, ii. 208.

Hanſe towns included in the Peace of Munſter with Spain, ii. 57.

Hartz foreſt, mines of, left in the poſſeſſion of the Houſe of Brunſwick-Lunenburg, i. 222.

Havelberg, Biſhoprick and Chapter, under the ſovereignty of Brandenburg, ii. 77.

Heidelberg, proceedings of the Elector Palatine there againſt the Calviniſts, ii. 420.

Hellmund, Preacher at Wetzlar, ſuſpended, ii. 65.

Henry I. i. 113.

—— II. i. 144.

—— III. i. 155.

—— IV. i. 158.

—— V. i. 171.

—— VI. i. 201.

—— VII. i. 264.

—— the proud, put to the Ban of the Empire, i. 207.

—— the Lion, ſuffers a ſimilar fate, i. 210.

—— Raſpo, i. 246.

—— the younger of Brunſwick-Wolfenbuttel, i. 450.

Heringen Rudolphus, Anthony, the part he took at the Diet at Offenbach, iii. 19. his publications concerning appeals, iii. 54. and the ceremonies at the Diet, iii. 60.

Herſtall in the country of Liege, diſpute concerning it with Pruſſia, ii. 492.

Heſſe, origin of that Houſe, i. 193. acquires the rank of Landgrave

grave, i. 250. diſpute between Caſſel and Darmſtadt concerning the ſucceſſion to Marburg, ii. 27. family diſputes ſettled by the Peace of Weſtphalia, ii. 71.

Heſſe Caſſel, demands of that Houſe in the Peace of Weſtphalia, its ſucceeſs, ii. 66. ſeparation from the Circle of the Upper Rhine, ii. 383. the Hereditary Prince changes his religion, afterwards the Landgrave Frederick II. iii. 80. that Houſe acquires Hanau, iii. 36.

Hierarchy, firſt appearance of it, i. 20. oppoſition to it by Henry III. i. 151. Fully accompliſhed, i. 166. ſtill higher under Innocent III. i. 224. and Boniface VIII. i. 264. and after ſucceſsful councils, i. 339.

Hildburghauſen, a branch of the Ducal Houſe of Saxony, ii. 354.

Hildebrand, afterwards Gregory VII. i. 159.

Hilderſheim, John Biſhop of, put to the Ban, its conſequences, iii. 398. *Simultaneum* eſtabliſhed in that country, but not allowed by the Peace of Weſtphalia, ii. 148.

Hinnüber, Roger, his attempt to eſtabliſh a poſt in the Brunſwick territories. ii. 145.

Hippolitus, a Lapide, ii. 50.

Hiſchau, new monaſtic diſcipline there, i. 180.

Hirchfeld ſecularized in favour of Heſſe, ii. 66.

Höxter, diſpute concerning the Simultaneum there, ii. 251.

Hohenlohe, religious grievances there, iii. 73.

——— Schillingsfurſt, author of the diſpute concerning the Counts of Franconia, iii. 167.

Holſtein Gottorp, diſpute with Holſtein Ploen, and with Denmark, iii. 348. ſucceſſion of that Houſe in Ruſſia and Sweden, iii. 36.

Holſtein Ploen, pretenſions to Oldenburg, iii. 348.

Houtheim, under the name of Febronius, iii. 192.

Hubertſburg, Peace of, iii. 115.

Homage of the Imperial cities, ii. 225.

Huſs, John, i. 329.

Huſſites, war of the, i. 331.

Hutten, Ulric de, i. 404.

High Court of Appeal, ii. 237.

Hungary, the boundary of Germany, i. 155.

INDEX.

I.

Jesuits, their origin and system, i. 484. they encourage the abuse of absolutions and monastic fraternities, ii. 5. their influence in the reign of Rudolphus, ii. 17. their attack on the Religious Peace, ii. 19. their writings at the time of the Edict of Restitution, ii. 242. after the Peace of Baden, ii. 417. their influence formerly in the examination of the Opinions of the Aulic Council. ii. 124. their abolition, iii. 193. the order not entirely destroyed, iii. 195

Jever, devolves to Zerbst, ii. 347.

Incorporation of one country with another, iii. 291.

Indulgence, Papal, granted to the Archbishops to dispose of Benefices, i. 338. To the Emperors to exercise the right of the first petition, ii. 402.

Innocent III. Pope, i. 231.

Inquisition, Court of, to prevent Heresies. i. 230.

Interdict, its dreadful consequences, i. 231.

Interim, i. 454.

Intolerating spirit of the Church of Rome, iii. 259.

Investiture of Bishops with the Ring and Crosier, i. 136, 156. dispute concerning it, i. 161. that custom obsolete, i. 172.

Jobst of Moravia, elected Emperor, i. 323.

John XXII. Pope, i. 266.

John, the steadfast, Elector of Saxony, i. 420.

John, St. order of Knighthood, i. 183.

Joseph I. Emperor, ii. 400.

—— II. King of the Romans, iii. 117. Emperor, iii. 122. Reigning Sovereign of the Hereditary dominions after the death of his Mother, iii. 214.

Isidorus, his pretended collection of Decretals, i. 96. use made by the Popes of their principles, i. 316.

Italy. Decline of the Roman Empire, i. 25. Ostrogothic kingdom there, i. 25. conquest of it by the Grecian Emperors, i. 40. commencement of the Kingdom of Lombardy, i. 41. its conquest by Charlemagne, i. 54. by Otho I. i. 127. permanent

manent connection of Italy with Germany, i. 144. Connection weak in the reign of Charles VII. iii. 38.

Jews, protection of them allowed to the Electors by the Golden Bull, i. 290.

Juliers, why it has no vote in exercise in the Council of the Princes, ii. 296.

——— succession of, ii. 32. not adjusted in the Peace of Westphalia, ii. 71. Convention on the subject, ii. 296.

Jurisdiction, dispute between the two Supreme Tribunals, iii. 176.

——— spiritual, ordinances concerning it in the Religious Peace, i. 467.

——— concerning the two Supreme Tribunals, ii. 457.

Jus eundi in partes, Ordinance concerning it in the Peace of Westphalia, ii. 86. first enforced by the Catholics, ii. 303. dispute concerning it in the reign of Charles VI. ii. 425.

Justice, Colleges of, in the territories of the States, i. 370.

Investiture of Imperial Fiefs, iii. 231.

Interlocutory table in the Imperial Chamber, iii. 173.

Imperial Title revived by Charlemagne, i. 60. by Otho the Great, i. 128. difficulty in removing it from the House of Austria, iii. 44.

Imperial cities in Franconia and Swabia, after the extinction of the House of Hohenstaufen, i. 254. their division into two Benches, i. 346. their religious quality after the Peace of Westphalia, ii. 80. their territorial rights secured, ii. 93. their decisive vote at the Diet, in what sense it is to be considered? ii. 97. their form of government after the Peace of Westphalia, ii. 220. aristocratical or democratical, ii. 222. their advocates, ii. 223. tax paid to the Emperor, ii. 225. proposed to be the winter quarters of the army of the Empire, iii. 108.

Imperial Prelacies, ii. 254.

——— Insignia kept at Nurenburg, iii. 123.

Independance of the Empire, maintained against France and Rome, i. 267.

Immediacy of the States, i. 172. in some cases restricted by Treaty, iii. 304.

Illegitimate sons excluded from succession to Electorates, i. 278.

Imperial Monde or Globe, an emblem of the Roman Empire, i. 144.

K.

Kaunitz, Prince, Chancellor of Auſtria, iii. 67.
Kehl, a fortreſs of the Empire, ii. 318.
Kempten, claims of that abbey upon Bavaria, iii. 210.
Klinkerſtrom, Colonel, removes the Emperor's Miniſter at Guſtrow by force, ii. 346.
Knoerzer, Aulic Counſellor, his Hiſtory at the Diet of the Circle at Nurenberg, iii. 167.
Kings, States of the Germanic Empire, ii. 390.
King of the Romans, origin of the title, i. 145.
Knighthood, ſpiritual orders of, their origin, i. 183.

L.

League at Berlin, iii. 223. at Cambray, i. 383. at Deſſau, i. 432. at Nurenberg, i. 451. at Schmalkalde, i. 400. at Torgau, i. 433.
Literature obſcured in the middle ages by the Monks, i. 230, its ſtate in the fourteenth century, i. 313. becomes more general after the invention of printing, i. 343. State of Literature in the fifteenth century, i. 377.
Laws in uſe among the nations of Germany in the fifth century, i. 14. whether ſuch as of more ancient date can be enforced at preſent without diſtinction, iii. 218.
Legiſlature ſupplanted by the practice of ſingle combat, i. 340.
Laity, their oppoſition to the Clergy, i. 21.
Lay Brethren in convents, i. 182.
Latin language uſed in inſtruments of Peace, iii. 212.
Laudimia paid on the inveſtiture of Fiefs, iii. 237.
Legation, expences of at the Diet, ii. 289.
Legitimacy of natural children, allowed either by the power of the Emperor or States, iii. 280.
Legitimated children not capable of ſucceeding to the Electorates i. 278.
Legſtadte, cities appointed to receive the contributions to the military cheſt of the Empire, iii. 104.

Leibnitz, his treatiſe on ſupremacy, ii. 304.
Leipſic, ſecret Convention there againſt Pruſſia, iii. 87.
——— ſtandard of coinage, ii. 490.
——— its ſtaple privilege, iii. 286.
Licent, or acciſe, ii. 294.
Liegnitz, Brieg, and Wohlau, pretenſions of Brandenburg to thoſe places, ii 348.
Lineal ſucceſſion in Electorates, ii. 343.
Lombardy, kingdom of, conquered by Charlemagne, i. 54.
Lotharius I. i. 85. II. 102.
Lorraine divided into two Dutchies, i. 137. Upper Lorraine ſoon becomes hereditary, i. 157. Treaty concerning it with Charles V. i. 511. excluded from the Peace of Weſtphalia, ii. 58.
Lorraine, Biſhopricks of Metz, Tull, and Verdun ceded to France, ii. 67.
——— Kingdom of, its origin, i. 85, 202. united with Germany, i. 106, 109, 114, 143.
Louvois lays the Palatinate in aſhes, ii. 327.
Lewis the Pious, i. 81.
——— the German, i. 84.
——— the Stammerer, i. 105.
——— the child, i. 110.
——— of Bavaria, Emperor, i. 264.
Lubeck, city of, origin of its freedom, i. 217.
——— Biſhoprick in the poſſeſſion of a Proteſtant. ii. 76.
——— Treaty concerning it with the Houſe of Holſtein,
——— Peace of, concluded by Ferdinand II. ii. 43.
Liege, diſpute with the King of Pruſſia concerning Herſtall, ii. 491. diſpute concerning Hanſinne, iii. 179.
Luther, his hiſtory, and the reformation he produced in the church, i. 391.
Lutherans, the relation they ſtand in to Calviniſts, ſettled by the Peace of Weſtphalia, ii. 73.
——— their different relation to the Catholics, ii. 75.
Language, German, at the time of Charlemagne, i. 73. Uſed in Treaties of Peace, iii. 212.

Letters, Avocatory, in a war of the Empire, iii. 92.
——— of Reſpite, iii. 278.

M.

Meſſengers, or errand carriers of the Imperial cities, before the eſtabliſhment of poſts, ii, 143.
Memorials from the time of the Romans, i. 2.
Monaſtic life becomes more general in Germany, i. 180,
Mines granted to the Electors in the Golden Bull, i. 290.
Mendicant Friars, i. 227.
Military, at the time of the Carlovingians, i. 71. in the reign of Maximilian. i. 384. defects of it viſible at the battle of Roſsbach, iii. 98.
——— eſtabliſhment of the Empire before the Peace of Nimeguen, ii. 330, after the Peace, ii. 311.
Magdeburg, Archbiſhoprick of, ſecularized in favour of Brandenburg, ii. 65.
——— city of, put to the Ban, i. 454. deſtroyed by Tilly, ii. 209. made ſubject to Brandenburg, ii. 295.
Mailly, pretender to the county of Naſſau Siegen, iii. 34.
Mentz, Metropolitan See of Germany, i. 44, 50. the Elector Arch-Chancellor of the Empire, i. 135. his right of viſiting the Aulic Council, ii. 108. whether he is entitled to a vote in each of the Senates, at a viſitation of the Chamber, iii. 145.
Majordomo, at the time of the Merovingians, i. 36.
Mandate, without a clauſe, when they are allowed in the Supreme Tribunals, iii. 176.
Maria Thereſia, Heireſs of the Auſtrian dominions, iii. 14.
Marlborough, Duke of, to have had the Principality of Mindeheim, ii. 405.
Matricula of the Empire, i. 332. of the Chamber, i. 353.
Mathias, Emperor, ii. 36.
Maximilian I. King of the Romans, i. 341. Emperor II. i. 347.
——— II. ii. 3.
——— Joſeph, Elector of Bavaria, iii. 39.
Mecklenburg, compenſation demanded by that Houſe in the Peace of Weſtphalia, ii. 65. pretenſions to Leuchtenburg, iii. 200. obtains the privilege *de non appellando*, iii. 206.

Mecklenburg, Guſtrow, diſpute concerning the ſucceſſion, ii. 345.
——— Schwerin acquires the poſſeſſion of Guſtrow, iii. 346.
——— Strelitz acquires Ratzeburg, iii. 346.
——— Princes, in the 12th century, i. 198. obtain their freedom, i. 217. raiſed to the rank of Dukes, i. 218.
Meelführer, his abuſive writings, ii. 417.
Majority of votes reſtricted by the Peace of Weſtphalia, ii. 85. whether it is valid in the three Colleges of the Empire, ii. 97.
Meinungen, a branch of the Ducal Houſe of Saxony, ii. 353.
Meiſſen or *Miſnia*, the caſtle of, its origin, i. 122.
——— Biſhoprick and chapter of, made ſubject to Saxony, ii. 77.
Melanchton, the reformer, i. 402.
Menonites, a religious Sect, whether they ought to be tolerated in Germany, ii. 89.
Merovingians, their riſe, i. 25. their decline, i. 40. their fall, i. 50.
Merſeburg, Biſhoprick and Chapter of, under the ſovereignty of Saxony, ii. 77. formerly a collateral branch of the Electoral Houſe, ii. 353.
Maſs, changed at the time of Luther, i. 412.
Meſſen, or ſuperior fairs, privileges granted for them by the Emperor, iii. 275.
Metropolitans, ſpiritual, their origin, i. 21.
Metternich, Count, his letters plenipotentiary to the College of the Counts of Weſtphalia, iii. 158.
Migration, compulſatory or voluntary, ii. 79.
Minden, ſecularized in favour of Brandenburg, ii. 64.
——— city of, its ſufferings during the war of thirty years, ii. 210.
Minority of reigning Emperors and Kings at the time of the Merovingians, i. 41. of Lewis the child, i. 110. Otho III. i. 143. Henry IV. i. 158.
Minorities, an order of Monks, i. 227.
Mirabelli, Count, Envoy from Savoy to the Diet, ii. 392.
Members of the Germanic Empire, mediate and immediate, ii. 172.
Monaſtic life, its origin, deſign, and degeneracy, i. 180. aboliſhed by the Proteſtants, i. 429.

Monopolies cannot be granted by the Emperor, iii. 281.
Morganatic marriages, iii. 24.
Mublberg, battle of, i. 452.
Munſter, city, made ſubject to its Biſhop, ii. 276. diſturbances occaſioned by the Anabaptiſts in the reign of Charles V. i. 448.
Mutſchierung, or alternative government, i. 308. iii. 298.
Munzer, Thomas, i. 418.
Mortgaged countries, religion there, ii. 242.
Mortgages unredeemable, ii. 92.
Manners of the Middle Ages, down to the 16th century, i. 379.
Municipal rights, granted by a territorial Lord, iii. 276.
Minority of infants, rights of the Emperor and States concerning it, iii. 280.
Mediation of the Empire propoſed in the war of the Auſtrian ſucceſſion, iii. 42. in agitation before the war of ſeven years, iii. 92.
Military cheſt of the Empire, iii. 103.

N.

Nobility, origin of, i. 119. diſtinction of rank, i. 120. their averſion in former times to ſtudy, i. 377. and inclination to feudal wars, i. 378. their prior rights in the religious foundations of Germany, ii. 186. their exemption from taxes, and other advantages, ii. 213. whether the marriage of a Prince with a Nobleman's daughter be a meſſaillance? iii. 28.
Naſſau, vote of that Houſe in the Council of the Princes, ii. 267.
Naumberg, change in the the religion of that Biſhoprick, i. 450. the Biſhoprick and Chapter become ſubject to Saxony, ii 77.
Naples, Don Carlos acquires the poſſeſſion of that kingdom, ii. 481.
Neuſtria ſeparated from Auſtraſia, i. 32.
Nullité, action en fait de, not allowed in the Eccleſiaſtical affairs either of the Proteſtants or Catholics, ii. 466.
Netherlands, diſturbances there, their commencement, ii. 17.
——— acquired by Auſtria, i. 341. treaty concerning them in the reign of Charles V. i. 512.
——— united, their independence ackowledged, ii. 50.
Nimeguen, Peace of, ii. 303.

Nomany, Vote among the Princes, i. 511.
Nunneries, prodigious increaſe of them, i. 183.
Northern war, 2. 396. its conſequences, ii. 476.
Normans, their war with Charlemagne, i. 70. their incurſions into Germany, i. 87.
Notaries required to be matriculated, iii. 272.
Nurenberg, religious Treaty of, i. 447.
Nuncios Papal, complaints concerning them, iii. 189.
Nymphenburg, league there, iii. 15.
Neceſſary defence, iii. 92.
Navigation of rivers not to be prevented, iii. 287.
Nations, ancient variety of them in Germany, i. 2.
——— emigrate in the fifth century, i. 5.

O.

Offenbach, Diet there, iii. 18.
Oldenburg, diſpute concerning the ſucceſſion, ii. 347.
Oliva, Peace of, 275.
Orleans, Dutcheſs of, her claims on the Palatinate Houſe, ii. 317. adjuſted, ii. 341.
Oſnabruck, made an alternative Biſhoprick in favor of the Houſe of Brunſwick-Luneburg, ii. 65.
Oſtfriesland, vote at the Diet, ii. 287. reverſion to the Houſe of Brandenburg, ii. 309. Pruſſia ſucceeds to the poſſeſſion of it, iii. 33.
Otho the Great, i. 123.
——— II. i. 142.
Opinions of the Aulic Council, their origin and nature, ii. 123.

P.

Princes, the ancient Houſes hold a meeting, iii. 257.
——— ſummoning of the Circles, their origin and prerogatives, i. 503.
Printing, its invention and effects, i. 342.
Plan for new ſtatutes for the Imperial Chamber, ii. 33. preparation for the reviſal of them, iii. 138.
Primogeniture, right of, eſtabliſhed by the Golden Bull in the ſecular Electorates, i. 276. eſtabliſhment of the order of ſucceſ-

sion according to this right, i. 277. this kind of succession limited, reserving a Secundogeniture, i. 281. particular circumstances of younger children who have their own territories, iii. 298.

Primogeniture, right of, in the Houses of the States, not customary when the territories first became hereditary, i. 195. in the House of Austria, ii. 12. in several other Houses of Princes and Counts, ii. 14. it tends to increase the dominions of the Princes, ii. 205. particular circumstances respecting some collateral lines, ii. 205.

Protestants, origin of the word, i. 438. their disputes with the Catholics adjusted by the Peace of Westphalia, ii. 72.

Protestant Body, ii. 259. direction of it, ii. 262. its Decrees, and their effect with respect to the Imperial Chamber, ii. 472. whether the Emperor can declare them to be invalid? iii. 3.

——— prevents the King of Prussia from being put to the Ban, iii. 3.

——— their great reason for keeping together, iii. 259.

Protestant Directorium, debates concerning it at the Diet after the Elector of Saxony changed his religion, iii. 384.

Private war, its origin, i. 91. predominance, i. 112. during the reign of the Saxon Emperors, i. 140. not abolished by the Golden Bull, i. 291. carried to the greatest extremities, i. 293. at its heighth in the reign of Frederick III. i. 339. abolished by Maximilian I. i. 350. difficulty attending the execution of his Decrees, i. 379.

Peace of Aix la Chapelle, iii. 41. Baden, ii. 411. Breslau, iii. 333. Crespy, i. 451. Dresden, iii. 42. Fuessin, iii. 40. Hubertsburg, iii. 115. Lubeck, between Ferdinand II. and Denmark, ii. 43. Munster, between Spain and the United Provinces, ii. 56. between the Emperor and France, ii. 59. Nimeguen, ii. 303. Oliva, ii. 273. Osnabruck, ii. 54. Paris, iii. 115. Prague, ii. 45. Pyrenees, ii. 273. Rastadt, ii. 410. Ryswick, ii. 317. Teschen, iii. 203. Utrecht, ii. 410. Vienna, ii. 481.

——— Congress of Peace at Munster and Osnabruck, broke up, ii. 158.

Peace, Receſs to ſettle the execution of the Peace of Weſtphalia, ii. 159.

——— negociations of Peace in the reign of Ferdinand III. iii. 53.

——— at the end of the war of ſeven years, iii. 112.

Prince, original meaning of the word, FURST, i. 8.

Princes rival the electors, ii. 196. Bavaria and the Palatinate form a League to prevent their equality, iii. 4. new Princes, their votes in the College of Princes at the Diet, ii. 266. increaſed in the reign of Leopold, ii. 287, 354. in conſequence of which, the ancient Houſes require an increaſe of their number of votes, ii. 405. Bavaria and the Palatinate unite to prevent their increaſe in future, iii. 4. diſpute concerning the majority of votes requiſite for that purpoſe, iii. 79. new Princes in the reign of Charles VII. iii. 37. League of the Princes in 1785, iii. 223. Concordate of the Princes with the Pope, i. 337. Council of the Princes at the Diet, origin of its preſent ſtate, ii. 14. Court of the Princes neceſſary for the ſentence of Proſcription, or the Ban of the Empire, i. 206. its regulations formerly, i. 243. continued after the eſtabliſhment of the Imperial Chamber, i. 360. in uſe in the reign of Rudolphus, ii. 111. deſtroyed by the Peace of Weſtphalia, ii. 119. princely rank, i. 302. Diet of the Princes, iii. 257. at Offenbach, iii. 257. Union of the Princes, ii. 278. College of the Princes, whether they are obliged to wait upon the electors, iii. 58.

——— ſpiritual, their diſpute with the ſecular ones concerning precedency, iii. 58.

Propoſition, grand, made by the Emperor, or his Commiſſary, at the Diet, ii. 283.

Public Peace in the reign of Frederick I. i. 206. made univerſal and perpetual by Maximilian I. i. 347. difficulty attending its accompliſhment, i. 378. revived by Charles V. i. 302. its colliſion with the right of the Princes to form alliances, ii. 90. exception in caſes of neceſſity, iii. 91.

——— breach of it laid to the charge of the King of Pruſſia, iii. 91.

Provincial Diets, ii. 180. after the Peace of Weſtphalia, ii. 211.

——— States, the part they take in the government of a country, ii. 178.

——— taxes, not in uſe at the commencement of the territorial power, i. 238.

——— Courts of Judicature, Imperial, ii. 115.

Perſonal inheritance grounded on ancient cuſtom, i. 16. claims of the Dutcheſs of Orleans, ii. 341.

Pope, his original relation to the Emperor, i. 48. authority firſt attributed to his opinions, i. 49. preſent of the Exarchy of Ravenna, i. 53. in the reign of Charlemagne, i. 76. the Pope's power increaſed by the forged collection of the Decretals of Iſidorus, i. 96. the Title claimed as a diſtinction from the other clergy, i. 166.

Papal revenues in the 14th century, i. 319. Schiſm, i. 320. his election ought to be under the inſpection of the Emperor, i. 130. the cuſtom omitted in the reign of Henry II. i. 144. renewed by Henry III. i. 156. but given up entirely by Henry IV. i. 159.

Paderborn, action brought againſt that country by a Jew of the name of Baruch, to recover the money paid for the contingents of the Empire, iii. 106.

Papal indulgence, i. 338.

Pallium, fees paid for it to the Pope, i. 319, 335. at preſent, ii. 189.

Paniſbrieſe, iii. 218.

Par, his poſt in Auſtria, ii. 145.

Parma and Placentia, deſigned for a Prince of Spain, ii. 477. afterwards for Auſtria, ii. 481. given again to a Prince of Spain, iii. 41. connection of thoſe countries with Germany, iii. 41.

Paſſau, Biſhopric of, diſputes with Auſtria, iii. 216.

——— Treaty of, i. 455.

Patrician, Roman, that honour conferred by Anaſtacius on Clovis, i. 30. was to have been conferred on Charles Martel, i. 49.

Patrimonial Juriſdiction, i. 371.

Pentinger's tables, i. 13.

Palatinate on the Rhine, its origin, i. 138. its original connection with the Electoral Title, i. 262. Electoral Title of the the Palatinate, ſettled by the Golden Bull, i. 276. its pretended juriſdiction over the Emperor, i. 289. the Palatinate Electorate transferred to Bavaria, ii. 41. reſtored by the Peace of Weſtphalia, ii. 70. extinction of the Houſe of Palatine Simmern, ii. 316. its conſequences with reſpect to religion, ii. 325. advantages accruing to the Palatine Houſe, in conſequence of the change of religion, ii. 372. revolutions produced thereby in the country, ii. 374. Family Compact with Bavaria, iii. 3. yields to the claims of Auſtria, iii. 200.

Palatine Counts in the Dutchies, i. 138.

Palatine-Sulzbach introduces a *Simultaneum*, ii. 350.

Palatine-Veldenz, diſpute concerning the ſucceſſion, ii. 344.

Philip the Magnanimous, Landgrave of Heſſe, i. 421.

Philipſburg ceded to France, ii. 16. a fortreſs of the Empire, its hiſtory, ii. 307.

Pignerol ceded to France, ii. 16.

Pepin of Herſtal, i. 42.

Pepin, the Little, i. 52.

Piſtorius, John, the conſequence of his changing his religion, ii. 21.

——— Envoy from the Counts, his correſpondence on the diſputes concerning ceremonies, iii. 63. conſequence of his death, iii. 166.

Pius VI. Pope, viſits the Emperor at Vienna, iii. 194.

Poland, the Elector of Saxony elected King, ii. 383. election of Auguſtus III. ii. 481.

Police, ſtatutes of by Charles V. i. 510. revived, ii. 130.

Pomerania, Princes of, in the 12th century, i. 198. raiſed to the Ducal rank, i. 217.

——— ceded to Sweden, ii. 62.

Portia, a new Prince, ii. 287.

Portugal excluded from the Peace of Weſtphalia, ii. 59.

Poſt of Taxis, complaint concerning the charges, ii. 146. hiſtory of the poſts in Germany, ii. 143. in the territories of the States, ii. 145.

Prelates of the Rhine and Swabia, have two votes, ii. 278.
Preliminaries of the Peace of Weſtphalia, ii. 54.
Præmonſtratenſes, a monaſtic order, i. 180.
Preſentations to the Chamber, i. 352. by virtue of the Peace of Weſtphalia, and the laſt Receſs of the Empire, ii. 232. the preſentation of the Circle of Weſtphalia ſuſpended, ii. 296. changes in the Preſentations after the Peace, ii. 450. ſettled by new agreements, iii. 169.
Prevention, right of, in a war between the States, iii. 97.
Prague, Biſhoprick of, i. 134. Univerſity, i. 311. revolution occaſioned by Huſs, i. 329. Peace of, ii. 45.
Pragmatic Sanction of Charles VI. ii. 475, its conſequences, iii. 8.
Preciſts, Imperial, ii. 401.
Preſs, liberty of in the affairs of the Empire, iii. 162.
Pruſſia ſecularized, i. 431. made a kingdom, i. 387. oppoſes the claims of Auſtria upon Bavaria, iii. 201.
Prieſts, their marriage prohibited, i. 162. allowed to the Proteſtants after the reformation, i. 416.
Principal Commiſſary at the Diet, ii. 282. diſputes concerning rank at his table, iii. 59.
Privileges, Imperial, their limitation, iii. 282.
Provence ceded to the Franks by the Oſtrogoths. i. 32.
Pyrenees, Peace of, ii. 275.
Pyrk, aſſeſſor in the Imperial Chamber, his diſputes, ii. 445.
Perſonal votes at the Diet, ii. 268.

Q.

Quakers, whether they ſhould be tolerated in Germany, ii. 89.

R.

Religious aſſurance in the Electorate of Saxony, ii. 384. in Heſſe, iii. 81.
Renſe, on the Rhine, Electoral Decrees concerning that place, i. 268.

Reprisals in consequence of the conduct of the Elector Palatine against the Calvinists at Heidelberg, ii. 420. of the State against foreign Powers, iii, 284.

Reserved Rights of the Emperor, in opposition to the territorial sovereignty of the States, ii. 91. in what they consist, iii. 27. and how limited, iii. 273.

Romans, their government in part of Germany, i. 10.

——— King of, the election not mentioned in the Golden Bull, i. 287. dispute concerning it between the Electors and the other States, ii. 128. adjusted, ii. 129. election of a King of the Romans in general, consent of the Emperor and Father, iii. 119. whether the consent of the Diet be necessary, iii. 120. opportunity afforded thereby for a meeting of the Electoral College, 3. 257. election of Maximilian I. i. 341. Ferdinand I. i. 146. Ferdinand IV. ii. 227. Joseph II. iii. 117. the title used before the Emperor's coronation, i. 145.

Roman law, its authority established in the reign of Maximilian I. i. 373.

——— Empire, pretended to be transferred from the Grecian, i. 204.

Rosbach, battle of, iii. 98.

Rudolphus of Habsburg, i. 246.

——— II. Emperor, ii. 17.

Rupert of the Palatinate, elected Emperor, i. 322.

Russia, the Empress's memorial respecting the pretensions of Austria to Bavaria, iii. 202.

Ryswic, Peace of, ii. 317. negociations concerning the invalidity of a clause in the 4th article, ii. 322.

Residence, Imperial, i. 299.

Resignation of an Emperor, ii. 2.

Restitution, Edict of, in the reign of Ferdinand II. ii. 42.

Reunion, Chamber of in France, ii. 310.

Revision of the sentences of the Imperial Chamber, instituted by Charles V. i. 501. difference from the appeal to the visitors, iii. 153. the institution dropped, ii. 235.

Revision in the Aulic Council, ii. 108.

Rhine, Electoral union of, i. 268. league, ii. 276.

Richard of Cornwall, Emperor, i. 246.
Royal Honours paid to the Electors, ii. 200.
—— Benefices, ii. 401.
Rank of the Electors by virtue of the Golden Bull, i. 283.
—— diſputes concerning it at the Diet, ii. 284. iii. 59.
Raſtadt, peace of, ii. 411.
Ratification, Imperial, of the peace of Weſtphalia, ii. 158.
Ratzeburg ſecularized in favour of Mecklenburg, ii. 65. comes into the poſſeſſion of the Houſe of Mecklenburg Strelitz, ii. 346.
Rechtern, reverſion of the Fiefs of Wolfftein in favour of that houſe, iii. 211.
Reck, deputed from the Proteſtant States to the Elector Palatine, ii. 421.
Reformation in the Church propoſed at Conſtance, i. 327. in the reign of Maximilian, i. 386. its origin and progreſs, i. 422. 448.
———— rights of, belonging to the territorial Sovereigns when they are of the ſame perſuaſion as their ſubjects, ii. 224. or as they are determined by the definitive year 1644, ii. 244.
Referendary of the Empire at Vienna, iii. 48.
Ripuarian laws, i. 15.
Roman Months, their origin, i. 506. multiplication in time of war, iii. 105.
Römhild, an ancient branch of the Ducal Houſe of Saxony, ii. 353.
Receſs of the Empire in 1530 on the complaints againſt the uſurpations of the See of Rome, iii. 189.
—— of 1543, iii. 137. the laſt Receſs, ii. 227.
Refugees, French, ii. 341.
Ratiſbon, made a free Imperial city, i. 218. Diet there, iii. 239.
Regiments, hiſtory of thoſe of Brandenburg, Auſtria, and Brunſwick-Lunenburg, ii. 297.
Regredient inheritance, upon what grounded, iii. 8.
Religion, Chriſtian, firſt introduced in Germany, i. 16. ſtill further under Clovis, i. 29.
———— of a country, whether it is to be determined by the perſuaſion of the Sovereign, or of his ſubjects, ii. 376. two and not three religions equal to each other, ii. 88. how far others ought to be excluded, ii. 89.

Religious grievances in the Palatinate, ii. 325. after the Peace of Baden, ii. 416. ſelf-defence allowed in ſuch caſes, iii. 72. ordinances concerning them in the Emperor's capitulation, iii. 182. Collegiate addreſs of the Electors, iii. 183. better proſpects and regulations concerning them in the reign of Joſeph II. iii. 184.

——— quality of the votes of the States after a change in their religious perſuaſion, ii. 376. obſerved in the Collegiate votes of the Counts, iii. 154.

——— Peace, i. 456. its contents, i. 457. attacked by the Jeſuits, ii. 19. confirmed by the Peace of Weſtphalia, ii. 73. equality in the religion of the Electors at the time of the Religious Peace, i. 482. in Germany in general, ii. 83. in the Aulic Council, ii. 107.

——— perſecution, a ſpirit of, the cauſe of war even in the time of Clovis, againſt the Viſigoths, i. 30.

——— parties, their ſeparation in the ſupreme Tribunals, ii. 117. ſeparation at the Diet on the ſubject of the Congreſs to be held at Augſburg, iii. 113. concerning the religious quality of the Counts of Franconia and Weſtphalia, iii. 159. their ſeparate meetings, iii. 258.

——— diviſion, its occaſion and hiſtory, i. 386. 401.

——— worſhip, the exerciſe of it ſettled in the Peace of Weſtphalia, ii. 78.

Religion, change of, in the Electoral Houſe of Saxony, ii. 383.

——— war of, apprehenſions concerning it, ii. 157.

——— of the Hereditary Prince of Heſſe-Caſſel, iii. 81. in the Houſe of Baden, ii. 21. in the Archbiſhoprick of Cologn, ii. 22. changes of Religion in various Houſes ſince the beginning of the ſeventeenth century, ii. 362. in favour of the Catholics, ii. 371.

S.

Sacrament, adminiſtration of it in both forms, i. 330. again introduced in the time of Luther, i. 416.

Subſidies, charitable, of the Free Nobility of the Empire, i. 509.

Subjects, their emigration on account of religion, i. 463.

Spiritual Jurisdiction not included in the territorial Sovereignty of the States according to the constitution of Germany, ii. 467.

——— State, origin of its predominance over the Secular, i. 21. its immunities, i. 76. other prerogatives, i. 111.

Sovereign, or territorial Lord, abuse of that expression, ii. 195. personally considered, whether his religion ought to determine that of his country, ii. 376.

Spirit of emulation among the States of Germany, ii. 196.

Saalfeld, a branch of the Ducal House of Saxony, ii. 353.

Saxony, reduced to subjection by Charlemagne, i. 56.

———, the Elector has the direction of the Protestant body, ii. 257. division of the House after the Peace of Westphalia, ii. 351. the Elector, Frederick Augustus, elected King of Poland, and turns Catholic, ii. 383. claims of Saxony on the personal inheritance of the House of Bavaria, iii. 200.

Saxe-Altenburg devolves to Gotha, ii. 345.

Saxony, the Electorate, dispute concerning the title between Lauenburg and Wittenberg, i. 265.

——— the Dutchy divided after the proscription of Henry the Lion, i. 216. division in the Ducal Ernestine line, ii. 351.

Saxe-Jena devolves to Weimar, ii. 345.

Saxe-Lauenburg, origin of that House, i. 217. passed by in the Golden Bull in the nomination of the Electorates, i. 276. extinction of the House, ii. 350.

Saxe-Meinungen, unequal marriage of Duke Anthony Ulric, iii. 27.

Saxe-Weissenfels, Treaty made by that House respecting the religion of the Electorate, ii. 384.

Saxe-Wittenberg, origin of that House, i. 217. mentioned in the Golden Bull among the Electors, i. 276.

Salic law, i. 15.

Salzburg, origin of the Bishoprick, i. 44. raised to an Archbishoprick, i. 79. particular privilege of disposing of benefices, and appointing the suffragan Bishops, i. 339. precedency in the Council of the Princes alternately with Austria, i. 340. sums of money paid by the Archbishop to Rome, ii. 190. claims upon Bavaria settled, iii. 210. the Archbishop consents

to

to the alterations in the Eccleſiaſtical affairs of the hereditary dominions of the Houſe of Auſtria, iii. 217.

Savoy, added with Burgundy, to the Germanic Empire, i. 153, why that State has no Envoy at the Diet, ii. 392.

Scheld, ſhut by an article of the Peace of Munſter, ii. 57. diſpute concerning the opening of it, iii. 215.

Schiſm in the Papal See in the fourteenth century, i. 322. in the fifteenth, i. 335.

Sileſia, the preſervation of the Proteſtant Churches a condition in the Peace of Weſtphalia, ii. 80. claims of the King of Pruſſia on the four Principalities, and the reſult, iii. 14. 33. 41. privileges of the Empire with reſpect to that country reſerved, iii. 41.

Sleſwic, the boundary of Germany at the time of Charlemagne, i. 70. in the reign of Henry I. i. 122. Conrad, ii. 1. 153. origin of the Margraviate, i. 122. Sweden promiſes not to oppoſe Denmark in the poſſeſſion of it, ii. 476.

SCHLAMPAMPEN, feaſting of a Duke in a tavern in the fifteenth century, ii. 196.

Schmalkalde, Proteſtant League of, ii. 451.

Schönburg, the Counts of, their meſne Fiefs of the Empire, iii. 211.

Scholaſtic inſtitutions of Charlemagne, i. 73. their decline, i. 95. the Ex-jeſuits employed as teachers in the Catholic ſchools, iii. 195.

Swabia, the Ducal title of that country extinct, i. 252. League of Swabia, i. 341.

Scharzenau, Baron, Envoy at the Diet, his publications, iii. 63.

Schwartzenberg, vote of that Prince in the Council of the Princes, ii. 287.

Sweden, Guſtavus Adolphus King of, his enterprizes in Germany, ii. 43. compenſation demanded by the Swedes in the Peace of Weſtphalia, ii. 63.

Swediſh army, their demands in the negociations of the Peace of Weſtphalia, ii. 150.

Swiſs, war with them in the reign of Maximilian I. by which they obtain their independence, i. 383. their independence confirmed by the Peace of Weſtphalia, ii. 60.

Schwerin, that country ſecularized in favour of Mecklenburg, ii. 65.

Secularization, firſt inſtance of it, i. 431. becomes frequent in conſequence of the Peace of Weſtphalia, ii. 64.

Secularized countries, their votes in the Council of the Princes, ii. 264. 266.

See, vacancy of, in eccleſiaſtical countries, i. 179.

Self-defence, very frequent in the middle ages, i. 206. in caſes of religious grievances, ii. 156. otherwiſe not allowed among the members of the Germanic Empire, iii. 245.

Senates, diviſion of them at the Viſitation of the Chamber, iii. 145. their origin, iii. 169. judicial and extrajudicial, iii. 172.

Seniority, ſucceſſion according to this mode different from ſucceſſion according to the right of primogeniture, i. 277.

Sicily devolves to the Houſe of Hohenſtauffen, i. 224.

Sigiſmund, Emperor, i. 323.

Simony, ordinances againſt it, enacted by Gregory VII. i. 161.

Simultaneum, diſpute concerning it, and its hiſtory, ii. 240. Favoured in the peace of Ryſwic, ii. 319.

Soeſt, probably one of the oldeſt towns in Germany, i. 117.

Soliciting, in the Imperial Chamber, ii. 450.

Spaniſh ſucceſſion, war of, ii. 396.

Spires, that city burned by the French, ii. 444. diſpute between the Biſhop and Chapter, and with the Dean, iii. 188.

States, particular, ii. 166. their conſtitutions, ii. 176. each governed at preſent independently, iii. 267. their variety more or leſs happy, iii. 304.

STAATSDIENSTBARKEITEN, or *ſervitutes juriſpublici*, iii. 285.

Staniſlaus Leſcinſky, King of Poland, ii. 445.

Staple privileges, iii. 286.

Stamped paper, ii. 294.

Steltin, ceded to Pruſſia, ii. 476.

Storch, Nicholas, the fanatic clothier, i. 418.

Straſburg, Biſhoprick of, Diſpute concerning the Eccleſiaſtical reſervation there, ii. 23.

Sub-deputation from Deputations of the Empire, iii. 143.

Succeſſion of various Houſes at the end of the XVIIth century, ii. 344.

Succeſſion, order in the Electorates, ii. 343.
——— Diſputes concerning it in the Houſes of the Princes in the reign of Leopold, ii. 344.
SUCCUMBENZGELD, fees paid to the Aulic Council, ii. 110.
Supplication in the Aulic Council, ii. 110.
Subjection of the States on certain conditions, determined by Treaty, iii. 302.
Statutes of the Aulic Council, hiſtory of them, ii. 105. hiſtory of the Statutes of Ferdinand III. ii. 228. objections to them, ii. 229.
States of the Empire who are at the ſame time Kings, ii. 389. they make no apology to the Emperor for not attending in perſon when inveſted with Fiefs, ii. 391.
——— of the Empire at the time of the Merovingians, i. 38. their great power in the reign of Lewis the Pious, i. 86.
——— the freedom of their votes in the concerns of the Empire ſecured by the Peace of Weſtphalia, ii. 96.
——— their conſent how far neceſſary to the Emperor in affairs of conſequence, ii. 174. relation to the other Powers of Europe, iii. 285.
——— their increaſe of territory, i. 197. inſtances of their being perſonally arreſted and impriſoned, iii. 248.

T

Taborites in Bohemia, i. 332.
Taxis, Diſpute concerning the admiſſion of that Houſe in the Council of the Princes, iii. 79.
——— his Poſt, ii. 144.
Templars, Knights of that order, i. 183.
Temporal adminiſtration of Juſtice, i. 366.
Territorial rights of the States ſecured by Charters from the Emperor, i. 233. and promoted by the provincial States of their own countries, i. 236.
Territorial Sovereignty, its real origin, i. 233. confirmed by the Peace of Weſtphalia, ii. 91. its ſtate afterwards, ii. 194. legal reſort againſt the abuſe of it, iii. 245. equal in other reſpects to that of the other States of Europe, iii. 285.

Teſchen, Peace of, iii. 205. guaranteed, ratified by the Empire, iii. 209.

Tetzel, John, Luther's antagoniſt, i. 391.

Throne-fiefs, inveſtiture of them, iii. 231.

Throne, ſucceſſion according to the conſtitution of the Franks, i. 38. among the Saxons, i. 123. the deſcent ſecured from father to ſon, i. 142. 147.

Thuringia, made ſubject to the Franks, i. 27. Diſpute concerning ſucceſſion to that country between the anceſtors of the preſent Houſes of Saxony and Heſſe, i. 251.

TOTHEILUNG, or perpetual diviſion of families, i. 189. 194. whether there was one in the Houſe of Bavaria, iii. 199. daughters allowed to ſucceed in the Houſes of the States of Germany, ii. 309.

Toleration among the Catholics, more than formerly, iii. 262.

Torgau, League of the Proteſtants, i. 433.

Tuſcany intended for a Spaniſh Prince, ii. 477. afterwards for the Houſe of Lorrain, ii. 481. connection of that country with Germany, iii. 40.

Tranſportation of the ſubjects of a different religion, iii. 83.

Tranſubſtantiation made an article of faith, i. 232.

Tribur, Diet of the Empire held there, i. 109.

Trent, Council of, ii. 3.

Treves, alternate precedency with Cologne, iii. 121.

Truchſeſs Gebhard, Elector of Cologne, ii. 22.

Teutonic order, its origin, i. 183. Grand Commandery ſecularized, i. 431.

Tolls, the eſtabliſhment of them an Imperial right, iii. 273. their great number, i. 259.

Tythes, the payment of them impoſed on the Saxons, i. 67.

Tribunals of the Empire, i. 240.

V.

Villages, immediate, ii. 93.

Varel devolves to the Houſe of Bentink, ii. 347.

Venice, league of Cambray, i. 383. Diſpute concerning rank between that Republic and the Electors, ii. 199.

Verden, Dutchy of, its vote in the Council of the Princes, ii. 265. ceded to Hanover, ii. 476.

Verdun, Treaty of, concerning the diviſion of the Frankiſh Empire, i. 84.

Viſitation of the Chamber, its origin, i. 354. regulation concerning it in the reign of Charles V. i. 501. annual viſitation ſtopped, ii. 30. Ordinances concerning it in the laſt Receſs, ii. 234. Viſitations of 1704 and 1713, ii. 446. in the reign of Joſeph II. iii. 136. its diſſolution, iii. 152. wiſh for its reſtoration, iii. 164.

——— of the Aulic Council, ii. 107. 229.

Vows, their invalidity aſſerted by the Proteſtants, i. 430.

Vienna, Germanic Conſtitution particularly conſpicuous at that Court, iii. 126.

Votes in the Council of the Princes, origin of their preſent number, ii. 15. their religious quality after the reformation, ii. 376. manner of delivering them, read or dictated, iii. 94.

—— of the aſſeſſors of the Chamber, whether copies of them may be demanded by the Court of Vienna, iii. 180. the equality which ought to ſubſiſt by law in the Tribunals of the Empire, ii. 113. right of voting ſecured by the peace of Weſtphalia, ii. 96.

Vice Chancellor of the Empire, his office, iii. 227.

Vicariate, Ordinances reſpecting it in the Golden Bull, i. 288. boundaries ſettled, iii. 122.

Vicars of the Empire, Ordinances in their favour in the Capitulation of Charles VII. iii. 21.

Vicariate of the Rhine. diſpute concerning it between Bavaria and the Palatinate, ii. 273. Convention on that ſubject, iii. 2. 4. it becomes alternative, iii. 44. acknowledged by the Empire, iii. 122.

Vicariate, Aulic Court of, at Augſburg, iii. 4.

U.

Union Electoral, its origin, i. 268. renewed in the reign of Ferdinand I. ii. 2. ſworn to again at the election of Joſeph II. iii. 121. of the Electors on the Rhine, i. 268.

—— of the Proteſtants in the reign of Rudolphus II. ii. 35.

—— of the Bavarian and Palatine Houſes, iii. 3. at Frankfort in favour of Charles VII. iii. 86.

Upper Palatinate acquired by Bavaria, ii. 70.

—— Rhine, Circle of, diſpute concerning the direction of it on account of religion, ii. 383.

Univerſities, their number and flouriſhing condition, i. 204. ruined by the Monks, i. 230. muſt now obtain their privileges from the Emperor, iii. 274.

Univerſity of Prague, i. 311. Vienna, Hudeberg, Leipſic, and others, i. 213. their number conſiderably increaſed in the XVIth century, i. 376.

Uſſeber, his abuſive publications, ii. 417.

Utrecht, Peace of, ii. 410.

W.

War private, allowed, after three days previous notice.

—— of thirty years, ii. 38. of Auſtria, iii. 7. of ſeven years, iii. 87. of Bavaria, iii. 198.

—— right of making, of the States againſt foreign powers, iii. 284.

Worſhip, public Catholic or Proteſtant, ſettled by the Peace of Weſtphalia, ii. 74. among the Lutherans and Calviniſts, ii. 241.

Waldeck, vote in the Council of the Princes, ii. 287.

Waldenſes, a religious ſect, i. 225.

Warini, laws of that nation, i. 16.

Weiſſenfiels, an ancient collateral branch of the Houſe of Saxony, ii. 353.

World, dominion of it attributed to the Emperor, i. 129. an apple preſented to him as an emblem of it, i. 144. colliſion with the Papal power, i. 166.

Wendiſh or Venedic countries in the reign of Otho the Great, i. 131. their ſtate in the 12th century, i. 197. between the Baltic and the Elbe, i 6. difference between the conſtitution of thoſe nations and thoſe of Germany, i. 7. their devaſtations in Germany, i. 87.

Wertheim, Simultaneum there, ii. 254.

Weſtphalia, Peace of, ii. 54. the Pope declares it to be invalid, iii. 261.

—— Counts of, their religious quality, ii. 382.

Wetzlar, Imperial Chamber removed there, ii. 445.

Wicliffe,

Wicliffe, the Engliſh Reformer, i. 320.
William, of Holland, i. 246.
Winter quarters of the field officers of the army of the Empire, iii. 108.
Wiſmar ceded to Sweden, ii. 65. Tribunal there, ii. 64. Sweden promiſes Denmark not to fortify the city, ii. 476.
Weekly markets eſtabliſhed by temporal power, iii. 274.
Worms, edict iſſued from that place againſt Luther, i. 405. debate concerning the execution of it, i. 418.
Wirtenberg, Duke Ulric put to the Ban, i. 397. that country a meſnefief of Auſtria, i. 447. devaſtation of the country during the war of thirty years, ii. 210. the Duke's proteſt reſpecting the office of Arch-Standard bearer, ii. 357. appeal againſt the Free-Nobility, iii. 76. claims on the allodial inheritance of Bavaria, iii. 210.
Wurtzburg Title, Duke of Franconia, i. 254.
Will of John George I. Elector of Saxony, ii. 345.

Y

Younger Sons, how provided for, i. 179.
———— poſſeſs ſeparate territories, iii. 298.

Z

Zabringen, Ducal Title, i. 193.
Zedtwitz obliged to ſubmit to the ſovereignty of Bohemia, iii. 221.
Zeiz, an ancient collateral branch of the Electoral Houſe of Saxony, ii. 353.
Zerbſt, change of religion in favour of Lutheraniſm, ii. 74.
Zinna, ſtandard of coinage, ii. 489.
Zwingenberg, affair of, ii. 428.
Zuinglius, i. 401.

FINIS.

MAR 15 1939



